



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

12/11/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Corvallis Plan Amendment  
DLCD File Number 003-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 27, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Bob Richardson, City of Corvallis  
Gordon Howard, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

## Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF

DEC 07 2012

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

Jurisdiction: *City of Corvallis*Local file number: *LDT12-00001*Date of Adoption: *December 3, 2012*Date Mailed: *December 5, 2012*Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

*The approved code revisions fall into five categories:*

- 1. Items proposed to facilitate infill in Corvallis;*
- 2. Housekeeping items to correct omissions and clarify provisions in the code;*
- 3. Staff-recommended items to streamline the Land Development Code (LDC);*
- 4. Items to facilitate production of, and access to, locally-grown food; and*
- 5. Revised parking requirements for some types of 4- and 5-bedroom dwelling units.*

Does the Adoption differ from proposal? Please select one

*Minor revisions were made to the initial proposal for some of the infill, staff-recommended, and local food items.*

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 003-12 (19605) [17259]



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: *Kevin Young*

Address: *P.O. Box 1083*

City: *Corvallis*

Zip: *97339-1083*

Phone: *(541) 766-6572* Extension:

Fax Number: *541-754 1792*

E-mail Address: *Kevin.Young@CorvallisOregon.gov*

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**ORDINANCE 2012- 17**

**AN ORDINANCE AMENDING THE CORVALLIS LAND DEVELOPMENT CODE, MODIFYING ORDINANCE 93-20, AS AMENDED, TO REVISE PROVISIONS AFFECTING DEVELOPMENT CONSISTENT WITH THE CATEGORY OF HOUSEKEEPING ITEMS (LDT12-00001)**

AN ORDINANCE relating to a Legislative Amendment to the Land Development Code (LDT12-00001), modifying Ordinance 93-20, as amended.

Whereas, the Planning Commission, after holding duly advertised public hearings on September 19, 2012, and October 3, 2012, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Land Development Code;

Whereas, on October 3, 2012, the Planning Commission recommended that the City Council approve the request to amend some Land Development Code provisions affecting development consistent with the category of housekeeping items;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code on November 5, 2012, and interested persons and the general public were given an opportunity to be heard;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on November 19, 2012, met to deliberate on the matter, and made a preliminary decision to approve the housekeeping items, subject to adoption of formal findings;

Whereas, findings of fact have been prepared and consist of the formal findings attached hereto as Exhibit A and the final version of this Amendment, attached hereto as Exhibit B;

Whereas, said findings are by reference incorporated herein and are hereby adopted by the City Council;

Whereas, the City Council finds that the burden of proof has been met;

Whereas, the City Council finds that the public necessity, convenience, and general welfare require such Amendment; and

Whereas, the City Council finds that the proposal conforms with the Corvallis Comprehensive Plan and other applicable policies;

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

-1- Ordinance

Legislative Amendment to the Land Development Code (LDT12-00001; Category: Housekeeping)  
Housekeeping Revisions to Some Land Development Code Provisions Affecting Development

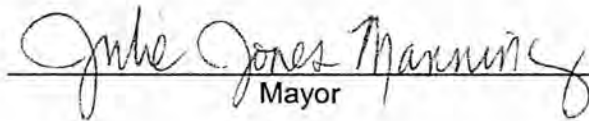


**Section 1.** The Land Development Code is amended as shown by the provisions contained in Exhibits A and B.


PASSED by the Council this 3rd Day of December, 2012.

APPROVED by the Mayor this 3rd Day of December, 2012.

Effective the 13th Day of December, 2012.

  
Mayor

ATTEST:

  
City Recorder

# EXHIBIT A

## Housekeeping Items

BEFORE THE CITY COUNCIL  
OF THE CITY OF CORVALLIS

In the Matter of the City Council decision to approve a	)	
Legislative Amendment to the Land Development Code	)	LDT12-00001
(LDC) as proposed and as modified by the Council in	)	
Ordinance 2012-____, which will change the LDC and	)	FINDINGS AND
implement the proposed changes.	)	CONCLUSIONS

### INTRODUCTION

The matter before the City Council is:

A decision regarding a Legislative Amendment to the Land Development Code (LDC) to amend several LDC provisions affecting development throughout the City of Corvallis. The Legislative Amendment to the LDC is collectively referred to as case LDT12-0001 ("2012 LDC Changes"). However, the final local decision on this matter involves five separate ordinances adopted by City Council, each ordinance representing one of five components of the collective package of code amendments. The discussion contained in this Exhibit A to Ordinance 2012-\_\_\_\_ reflects the City Council's Findings regarding what is referred to in the record for case LDT12-00001 as the "housekeeping items" component of the LDC Legislative Amendment.

The applicant for this case is the City of Corvallis. In accordance with LDC Section 1.2.80.02, the City Council initiated this Legislative Amendment to the LDC on August 20, 2012. In accordance with LDC Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment to the LDC on September 19 and October 3, 2012. The Planning Commission forwarded its recommendation for approval to the City Council.

In accordance with LDC Section 1.2.80.03, the City Council held a duly-advertised de novo public hearing on November 5, 2012, to consider this Legislative Text Amendment to the LDC. On November 19, 2012, the City Council deliberated on the Legislative Text Amendment.

The members of the City Council voted to APPROVE the Legislative Amendment to the LDC as recommended by the Planning Commission and modified by the Council, subject to review and approval of these findings, and subject to the changes reflected in Exhibit B of this implementing Ordinance 2012-\_\_\_\_, adopted December 3, 2012.



Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions address relevant Comprehensive Plan Policies, LDC sections, and Oregon Statewide Planning Goals.

### **APPLICABLE CRITERIA**

All applicable legal criteria governing review of this application are identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits.

### **FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE**

**1. Background and City Council Goals for the Legislative Amendment to the Land Development Code (LDT12-00001) -**

The Council notes that in April of 2011, the City Council approved a bi-annual work program for the Planning Division after receiving public input and in consultation with the Planning Commission. The Council notes that at the time the work program was approved, Council Goals had not been established, but it was anticipated that several goals under consideration would result in a major staff role for Community Development, and therefore would impact planning work program priorities. The Council notes that as it turned out, three of the four Council Goals relate directly to work of the Community Development Department. The City Council determined that once other work program items were completed, the next priority for Planning Division Staff would be to prepare a package of LDC changes that would include "housekeeping" items that correct obvious omissions or inconsistencies in the code, substantive issues items to streamline the code, and the recommendations from the Corvallis Infill Task Force (CITF).

The Council notes that having made major progress on the other long range planning work assignments, in May of 2012, Planning Division staff reviewed the recommendations of the CITF, along with items on the "housekeeping" and substantive issues lists and City Council Goals and prepared recommendations and policy questions for the Planning Commission prior to beginning work on the code amendment package. The Council notes that on June 6<sup>th</sup> and June 13<sup>th</sup>, work sessions were held with the Planning Commission in order to gain preliminary direction and concurrence with the proposed package of code changes. The Council notes that public testimony was received and some adjustments were made to the proposed code amendments. The Council notes that the Planning Commission supported the addition of a few items recommended by staff to be added to the substantive issues list and recommended that two recommended items from the CITF be set aside for the time being.

The Council notes that in order to address two City Council goals, two other items were added to the code amendment package. Firstly, a package of code amendments were included to facilitate the provision of "local food" in the community. The Council notes that these code amendments were developed by Community Development staff, based on the work of a Benton County health impact assessment regarding this issue, as well as additional staff research and analysis. Secondly, a placeholder item was reserved for any code-related "quick action items" from the City/OSU Collaboration Project. The Council notes that one "quick action item" was proposed, which was a recommendation by the City/OSU Collaboration Steering Committee to revise parking requirements for some types of four- and five-bedroom dwelling units. The Council notes that the Planning Commission endorsed the inclusion of these items in the package of 2012 code amendments.

The Council notes that on June 18<sup>th</sup>, a work session was held with the City Council regarding the 2012 code amendments. The Council notes that the City Council endorsed moving forward with the package of code amendments that was recommended by the Planning Commission. The Council notes that Staff then began preparing specific language for the LDC amendments, to be considered by the Planning Commission and City Council through the process required for such amendments. The Council notes that on August 20, 2012, the City Council voted to initiate the process to consider the proposed package of 2012 LDC Amendments.

The Council notes that the Planning Commission held a public hearing on September 19, 2012, and held the hearing open until October 3, 2012, to consider the package of code amendments (minutes of the meetings are included as **Exhibit B** of the Council Staff Report). The Council notes that after hearing testimony and deliberating, the Planning Commission decided to recommend that the City Council consider and approve the code amendments, with a few revisions proposed by the Planning Commission. The Council notes that the City Council staff report describes the changes recommended by the Planning Commission. The Council notes that **Exhibit E** of the City Council staff report summarizes all proposed code amendments, as well as describing the changes recommended by the Planning Commission.

The Council notes that in addition to the changes recommended by the Planning Commission, public testimony has been received concerning certain items in the code amendments package (**Exhibit F** of the City Council Staff Report). The Council notes that after review of the submitted public testimony, Staff recommended revisions to certain code provisions. The Council notes that these Staff-proposed revisions are discussed in the November 19, 2012, staff memorandum to City Council. The Council notes that where the Planning Commission did not recommend changes, complete Staff analysis of each code amendment may be found in the September 10, 2012, Staff Report to the Planning Commission, which is included as **Exhibit A** of the City Council staff report.



### **Conclusions on Background and Text Amendment Goals**

The Council finds that the proposed Legislative Amendment to the LDC achieves the goals articulated by the Council. The Council finds that in achieving these goals, the Legislative Amendment to the LDC is in the interest of public necessity, convenience, and general welfare, as required by LDC Section 1.2.80.01.

## **2. Adequacy of the Public Record -**

The Council notes that this Legislative LDC Text Amendment, in the category of "Housekeeping Items", affects LDC Sections 1.2.90.02.e, 1.2.130, 1.6.30, 2.0.50.04.c, 2.0.50.09, 2.1.30.03, 2.2.40.02, 2.2.40.09.c, 2.2.50.10, 2.3.30.01, 2.3.30.05, 2.3.30.06, 2.3.40.03.f, 2.4.30.01, 2.5.40.01, 2.5.50.01, 2.5.80.a, 2.6.30.03, 2.6.30.07.c (Table 2.6-1), 2.7.50.02, 2.8.40.02, 2.10.40.01, 2.11.60.02, 2.12.10, 2.12.30.01, 2.12.30.03.c, 2.12.30.04.b, 2.13.30.01, 2.14.30.01, 2.14.60, 2.16.30.01, 2.18.40.01, 3.2.30, 3.2.35, 3.3.30, 3.3.35, 3.4.30, 3.4.35, 3.5.30, 3.5.35, 3.9.40.03, 3.15.30.01, 3.24.20.01, 4.2.20.a, 4.4.20.01, 4.7.50, 4.7.60, 4.7.70, 4.7.80, 4.10.70.05.a, 4.11.50.05.c, and 4.14.40.

The Council notes that the LDC identifies procedures for Legislative Amendments to the LDC in Chapter 1.2, which states that such Amendments must be initiated by a majority vote of the Planning Commission or the City Council. The Council notes that in accordance with LDC Section 1.2.80.02, the City Council initiated this Legislative LDC Text Amendment on August 20, 2012.

The Council notes that the applicant for this case is the City of Corvallis and that, in accordance with LDC Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative LDC Text Amendment at two meetings on September 19, and October 3, 2012. The Council notes that the notice for this public hearing was duly published in the Corvallis Gazette-Times on September 7, 2012. The Council notes that the Planning Commission forwarded its recommendation for approval to the City Council.

The Council notes that in accordance with LDC Section 1.2.80.03, the City Council duly advertised a public hearing to consider this Legislative LDC Text Amendment and that the notice was duly published in the Corvallis Gazette-Times on October 22, 2012. The Council notes that this public hearing was held on November 5, 2012. The Council notes that on November 19, 2012 the City Council deliberated on the Legislative LDC Text Amendment.

The Council notes that after deliberating, it approved the housekeeping items portion of the Legislative LDC Text Amendment, subject to approval of formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative LDC Text Amendment, which were identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits. The Council notes that in

reaching its decision it also considered the Planning Commission recommendation, the information and analysis presented by Staff, and all public testimony.

### **Conclusions on Adequacy of the Public Record**

The Council finds that there was ample opportunity for the public to testify, the process for developing and reviewing the Legislative LDC Text Amendment conformed to local and state land use requirements, and the record contains all information needed to evaluate the application for compliance with the applicable criteria.

The City Council accepts and adopts findings contained in the September 10, 2012, Staff Report to the Planning Commission, the Planning Commission findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Commission's September 19, 2012, public hearing, and October 3, 2012, deliberations, the October 24, 2012, Staff Report to the City Council, and the findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Council's November 5, 2012, public hearing and November 19, 2012, deliberations. These findings shall be referred to as the "Incorporated Findings," and are to be considered along with the "Supplemental Findings" contained within this document.

### **3. Legislative Amendment to the Land Development Code Text Changes -**

The Council notes that the actual text changes involved in the proposed Legislative Amendment to the LDC are included in the October 24, 2012, staff report to City Council (Incorporated Findings), and with the exception of one item concerning variable message sign standards, were adopted by the City Council without change.

The Council notes that the October 24, 2012, Staff Report to the City Council contains a complete description of these text changes. The revisions recommended by the Planning Commission include: **(1)** a clarification to the Property Line Adjustment process and associated definitions (LDC 1.6.30, 2.14.60, and 4.14.40), **(2)** an addition to allow Temporary Outdoor Markets as a permitted use in the Riverfront Zone (LDC 3.15.30.01.a), **(3)** a clarification of the process to be used for Major Services and Utilities in the GI zone (LDC 3.24.20), **(4)** a correction to the livability indicators and benchmarks tables in the Annexation chapter (LDC Table 2.6-1), **(5)** a correction to the reference for Landslide Debris Runout Areas in the Minimum Assured Development Area (MADA) provisions (LDC 4.11.50.05), **(6)** clarifications to several sign code provisions (LDC 4.7.50, 4.7.60, and 4.7.70), **(7)** a clarification to the Lot Development Option notice requirements and purposes (LDC 2.0.50.04, 2.12.10, 2.12.30.03, and 2.12.30.04), **(8)** standardization of the language for effective date of decisions (LDC 2.2.40.09, 2.2.50.10, and 2.5.80), **(9)** clarification of the land division standards and how they may be varied (LDC 4.4.20.01), **(10)** clarification of minimum lot area language in residential zones that allow mix of building types (LDC 3.2.30, 3.3.30, 3.4.30, and 3.5.30), **(11)** clarification to landscape security requirements (LDC 4.2.20.a), **(12)** clarification to the ten-foot separation requirement between certain



residential building types (LDC 1.6.30, 3.2.35, 3.3.35, 3.4.35, and 3.5.35), **(13)** clarification of the notice requirements for subdivisions (LDC 2.0.50.04.c), **(14)** clarification of the notice requirements for conditional development permit modifications (LDC 2.0.50.04.c and 2.3.40.03.f), **(15)** clarification of the MUR zone development standards for corner lots (LDC 3.9.40.03), **(16)** clarification to the interpretation of zone boundaries provisions (LDC 1.2.90.02.e), **(17)** addition of application fees as a completeness item for land use applications (all applicable application types in LDC Article II) , **(18)** clarification of the 90-day review requirement for collocated wireless telecommunications facilities per FCC standards (LDC 1.2.130, 2.0.50.09, 2.3.30.05, and 2.3.30.06), and **(19)** modification to the Pedestrian Oriented Design Standards weather protection requirements (LDC 4.10.70.05.a.1.a).

The Council finds that the housekeeping code amendments, as proposed by the Planning Commission and adopted by the City Council, are consistent with applicable City policies and Statewide Planning Goals, as determined in the analysis provided by Staff in the September 10, 2012, Staff Report to the Planning Commission. Specifically, the Council finds that the proposed housekeeping code amendments are consistent with Comprehensive Plan Policies 1.2.1, 1.2.6, 1.2.8, 3.2.1, 13.5.2, 13.5.4, 13.5.9, 13.5.11, and 13.5.12, and with Statewide Planning Goals 1, 2, 9, and 10, as discussed on pages 40 - 70 of the September 10, 2012, Staff Report to the Planning Commission. Additionally, the City Council finds that the housekeeping code amendments, as revised, will promote the general welfare of the community, as specifically detailed in the September 10, 2012, Staff Report to the Planning Commission, and consistent with the requirements of Land Development Code Section 1.2.80.

Additionally, Council notes that during its November 19, 2012, deliberations and decision, Council voted to amend the proposal relative to sign code standards for variable message signs, as currently described in LDC Section 4.7.80.07.b. The Council notes that amendments to the proposed LDC text for variable message sign standards, adopted as part of its November 5, 2012, decision on the matter and Findings in support of those amendments, are outlined below (Supplemental Findings). The Council notes that new text is indicated with double underline font and deleted text is shown with strike-out font.

**A.** **Variable Message Sign Standards in LDC Section 4.7.80.07.b** - The Council notes that the LDC currently provides operational standards for variable message signs in LDC Chapter 4.7. During the November 5, 2012, City Council public hearing, written testimony was received concerning the LDC variable message sign standards in Section 4.7.80.07.b, and Council notes that the testimony suggested revising the current operational standards for variable message signs where the sign message contains time and temperature information. The Council notes that the written testimony was reviewed by Staff, and in a November 19, 2012, memorandum from staff to City Council, staff recommended revising LDC Section 4.7.80.07.b, consistent with the written testimony. Council notes that the

proposed revision is outlined below.

**LDC Section 4.7.80.07.b:**

- b. The portion of signs that display time and temperature information are exempt from the interval of change limitation of Section 4.7.80.07.a above.**

Discussion - The Council notes that LDC Section 4.7.80.07.a, the subsection preceding the text noted above, provides for an operational "interval of change" standard, which limits variable message signs such that the message must not change more often than once every twenty minutes. The Council notes that this previously adopted operational standard is intended to limit signs that would otherwise be visually distracting if the messages were rapidly changing. The Council notes that LDC Section 4.7.80.07.b, is currently written to exempt sign messages that display time and temperature from the interval of change standard. The Council further notes that the current provisions are written such that they could be interpreted to mean that if a sign contains time and temperature information in addition to other advertising messages, then the entire sign would therefore be exempt from the interval of change standard, thus exposing a loophole in the LDC provisions for variable message signs. The Council finds that by adopting the proposed language submitted as part of the public testimony and recommended by staff in its November 19, 2012, memorandum to City Council, the language provides a clear and objective standard for variable message signs where time and temperature information is included in the sign message.

**4. Applicable Comprehensive Plan Policies -**

The Council notes that in addition to responding to the question of public necessity, convenience, and general welfare, Section 1.2.80.01 - Background requires Text Amendments to conform to the Corvallis Comprehensive Plan and other applicable policies. The Council finds the following Comprehensive Plan policies applicable to the proposed amendment to the variable message sign standards.

**1.2.1 The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.**

**1.2.6 The City shall maintain a formal Unresolved Planning Issues list to be used as a guide to planning issues that require further study and investigation by City staff and the Planning Commission.**

**1.2.7 The Planning Commission shall schedule at least one public meeting each year to take input, receive a staff report on progress, and make decisions about the contents and relative priority of items on the Unresolved Planning Issues list.**

**3.2.5 The City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens.**

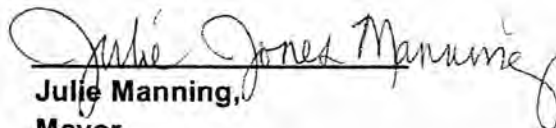


These standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new development standards or design guidelines.

The Council notes that CCP # 1.2.1 provides for implementation mechanisms that carry out the policies of the Comprehensive Plan, and that the LDC is one mechanism used to implement those policies. The Council finds that the proposed amendment to the LDC variable message sign standards is consistent with CCP # 1.2.1. The Council notes that CCP # 1.2.6 and # 1.2.7 encourage the City to maintain an Unresolved Planning Issues list, and that the proposed amendment addressing the variable message sign standards and the time and temperature exception has been identified on the list of potential LDC amendments that are included in the City's Unresolved Planning Issues list. The Council finds that the proposed amendment is consistent with these Comprehensive Plan Policies. Finally, the Council notes that CCP # 3.2.5 encourages the City to implement development standards and design guidelines that represent the vision of Corvallis, and that amendments to the LDC are one mechanism for implementing these guidelines and standards. The Council finds that the proposed amendment to the LDC variable message sign standards is in keeping with the vision of the community as expressed in the 2020 Vision Statement and Comprehensive Plan Policies. Given the above, Council finds that the proposed LDC amendment for variable message sign standards is consistent with CCP # 3.2.5 and LDC Section 1.2.80.01.

#### SUMMARY OF CONCLUSIONS

The City Council finds that the proposed housekeeping list of items for the Legislative Amendment to the LDC (LDT12-00001) is consistent with the applicable LDC criteria, Comprehensive Plan policies, and Statewide Planning Goals. Accordingly, the Legislative Amendment to the LDC (LDT12-00001) is APPROVED.

  
\_\_\_\_\_  
Kathy Louie,  
City Recorder  
\_\_\_\_\_  
Julie Manning,  
Mayor

Date: December 3, 2012

# Exhibit B

## Land Development Code Amendments - Housekeeping Items

### Notes:

The attached, revised Land Development Code text represents revisions approved by the City Council associated with the Housekeeping Items, as a component of LDT12-00001. The text includes highlighted language to show where a change has been made from the original text, as well as double-underline to show new text, and ~~strikeout~~, to show deleted text. Once finalized and incorporated into the Land Development Code, all such formatting will be removed.

The attached, revised Land Development Code text in this Exhibit B represents one of five packages of code amendments that are proposed for City Council approval. The other four packages consist of Infill Development Task Force items, Parking Requirements, Substantive Issues items, and Local Food items, which will each be adopted by separate ordinance. The formatting of the proposed text assumes that all five packages will be adopted and implemented as shown. If changes to this text become necessary, due to appeal, remand, or for other reasons, necessary revisions will be reviewed and approved by the City Council at such time as they are needed.



### 1.2.90.01- Amendments

Amendments to the Official Zoning Map shall be adopted as provided in Chapter 2.2 - Zone Changes. After adoption of an amendment, the Director shall alter the Official Zoning Map to indicate the amendment.

### 1.2.90.02 - Interpretation of Zone Boundaries

Zone boundaries shown on the Official Zoning Map shall be located as described in the ordinance or order establishing and amending such zone boundaries. Public streets and highways shall not be zoned, nor shall private streets be zoned unless specifically included within a particular zone. If uncertainty exists as to the boundaries of the zones, and the uncertainty is not resolved by the ordinance or orders that establish and amend such boundaries, the following rules shall apply:

- a. Boundaries indicated as approximately following property lines shall be construed as following such lines;
- b. Boundaries indicated as approximately following railroad lines shall be construed as midway between the main track or tracks;
- c. Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
- d. Boundaries indicated as parallel to, or extensions of natural or human-made features indicated in "a," through "c," above, shall be so construed as following these features;
- e. Where a lot or parcel of land that is one acre or less in size is divided by a zone boundary, the applicable uses and development standards shall be those of the zone that contains the majority of the land area of the lot or parcel of land as it existed as of December 31, 2006.

If a lot or parcel of land that is greater than one acre in size is divided by a zone boundary, the portions of the lot or parcel of land within each given zone shall be subject to the applicable uses and development standards, unless a portion of the lot or parcel of land within a given zone is less than 8,000 square feet in size, in which case, the applicable uses and development standards shall be those of the zone that contains the majority of the land area of the lot or parcel of land as it existed as of December 31, 2006. Where a boundary between zones is present on a lot or parcel, the portions of the lot within the given zone shall be subject to the applicable uses and development standards of that zone. If a boundary between zones is present on a lot or parcel and neither portion of the lot or parcel is developable under the applicable zone, then a property owner may petition the Land Development Hearings Board to apply one or the other zone to the entire lot or parcel. Such a petition shall follow the procedures and review criteria established for a zone change in Chapter 2.2 - Zone Changes; and

- f. Boundaries indicated as approximately following the center lines of alleys, streams, rivers, lakes, or other bodies of water shall be construed as following such center lines.

Where uncertainties continue to exist after application of the above rules, the Land Development Hearings Board shall determine the location of such boundaries.

*[Section 1.2.90.02 amended by Ordinance 2012-xxx, effective December X, 2012]*

## **Section 1.2.100 - DEVELOPMENT REVIEW FEES**

### **1.2.100.01 - Required Fees**

The Director is authorized to charge and collect fees for the provision of municipal services outlined in this Code. The City Council shall set fees in accordance with the Council's financial policies and shall charge no more than the actual or average cost of providing planning and development review services in accordance with ORS 227.175(1), as amended. The Director shall maintain a current schedule of fees for public review.

### **1.2.100.02 - Annual Review**

Development review fees shall be reviewed annually and revised to reflect the change in costs to the City for wages and benefits of appropriate represented employees in the current fiscal year. The annual adjustment of fees shall be effective January 1 of each year.

## **Section 1.2.110 - DEVELOPMENT REVIEW PROCESS**

### **1.2.110.01 - Ministerial Development**

Ministerial Development includes nondiscretionary development activities that are permitted outright, subject to compliance with the criteria and standards of this Code. Floodplain Development Permits processed in accordance with Chapter 2.11 - Floodplain Development Permit, and those Uses that are listed in the zones in Article III as Permitted Uses are Ministerial Development activities. These Floodplain Development Permit applications and Uses require staff review upon application for a Floodplain Development Permit and/or a Building Permit and are subject to those zoning standards and other development provisions of this Code and applicable City ordinances and requirements which are objective and not subject to the exercise of discretion. These standards and provisions include the clear and objective standards and provisions from all acknowledged City-adopted plans such as the Transportation Plan, the public facilities master plans, the Parks Master Plan, etc. Applicants should also be aware that in addition to review under this Code by the City, these Floodplain Development Permit applications and Uses are subject to all applicable Federal and State standards and regulations, such as the Uniform Building and Fire Codes, regulations by the State Department of Environmental Quality (DEQ), the State Department of State Lands (DSL), the Federal Emergency Management Agency (FEMA), etc. Land use approval under



- |              |   |   |
|--------------|---|---|
| Chapter 2.10 | - | Major Neighborhood Center Master Site Plan Review - limited to Master Site Plans and Major Master Site Plan Modifications. See Sections 2.10.40 and 2.10.50.03, respectively, for procedures. |
| Chapter 2.11 | - | Floodplain Development Permit Variance. See Section 2.11.50 for procedures.   |

#### **1.2.110.04 - Conditions of Approval**

Conditions of Approval placed on developments shall be based upon Comprehensive Plan and this Code criteria.

#### **Section 1.2.120 - ROUGH PROPORTIONALITY**

If an applicant intends to assert that he/she cannot legally be required, as a condition of Building Permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the Building Permit or site plan review application shall include a Rough Proportionality Report submitted by the applicant and prepared by a qualified civil or traffic engineer, or qualified professional in the field of the issue in question as appropriate, showing:

- a. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
- b. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;
- c. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
- d. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

For Building Permits that do not involve any City planning processes, the applicant shall submit the report outlined above during the time of its related appeal period. For Building Permits that do involve City planning processes, the applicant shall submit the report either during the period following the staff review committee (SRC) meeting and prior to the mailing of the public notice; or during the regular appeal period associated with such planning applications. Appeal processes are outlined in Chapter 2.19 - Appeals.

#### **Section 1.2.130 - DEADLINE FOR FINAL ACTION and EXTENSION OF DEADLINE 120-DAY PERIOD FOR REVIEW OF LAND USE APPLICATIONS**

Consistent with state law, the City's review of all land use applications subject to Oregon Revised Statute 227.178, as amended, shall be completed within 120 days of the date an application is deemed complete, allowing for any possible appeals at the local level. This

120-day period may be extended only by written authorization of the applicant. Such authorization shall specify the length of time by which the 120-day deadline is extended.

Consistent with federal law, the City's review of a land use application associated with a collocated wireless telecommunication facility shall be completed within 90 days of the date an application is deemed complete. For this reason, an expedited review process for collocated wireless telecommunication facilities is provided in this Code. This 90-day period may be extended only by written authorization of the applicant. Such authorization shall specify the length of time by which the 90-day deadline is extended.

*[Section 1.2.130 amended by Ordinance 2012-00x, effective December X, 2012]*



## CHAPTER 1.6 DEFINITIONS

### Section 1.6.10 - GENERAL MEANING OF WORDS

All words and terms assume their dictionary definitions unless they are specifically defined in this Code or the context in which they are used clearly indicates to the contrary.

### Section 1.6.20 - COMMON WORDS

- a. All words in present tense include the future tense.
- b. All words in plural include the singular, and all words in singular include the plural unless the context clearly indicates to the contrary.
- c. The word "shall" is mandatory and the word "may" is permissive.
- d. The word "building" includes the word "structure."
- e. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- f. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.
- g. The words "lot" and "parcel" are used interchangeably unless the context clearly indicates to the contrary.

### Section 1.6.30 - SPECIFIC WORDS AND TERMS

**Abutting Properties** - Two or more properties joined by a common boundary line or point, as shown in Figure 1.6-1 - Abutting and Adjacent Lots.

**Access** - Place, means, or way by which ingress and egress are

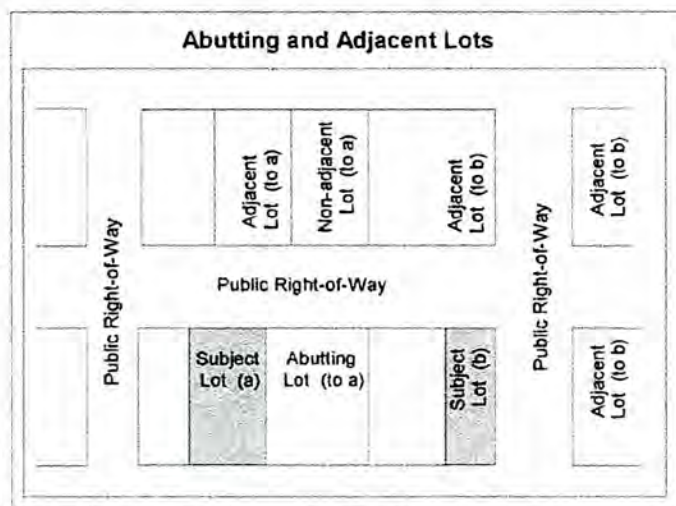


Figure 1.6-1 - Abutting and Adjacent Lots

b. **Residential** - Group of building types comprising the following:

1. Single Detached - One dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot or development site. Includes Manufactured Dwellings. Graphics below are examples of possible site layouts. All density and development standards (minimum lot size, setbacks, etc.) shall be as specified per unit in the underlying zoning designation, including situations where this building type is combined with another building type on the same lot or development site. ~~Where multiple dwelling units are located on a single lot, setbacks between structures shall be a minimum of 10 ft.~~

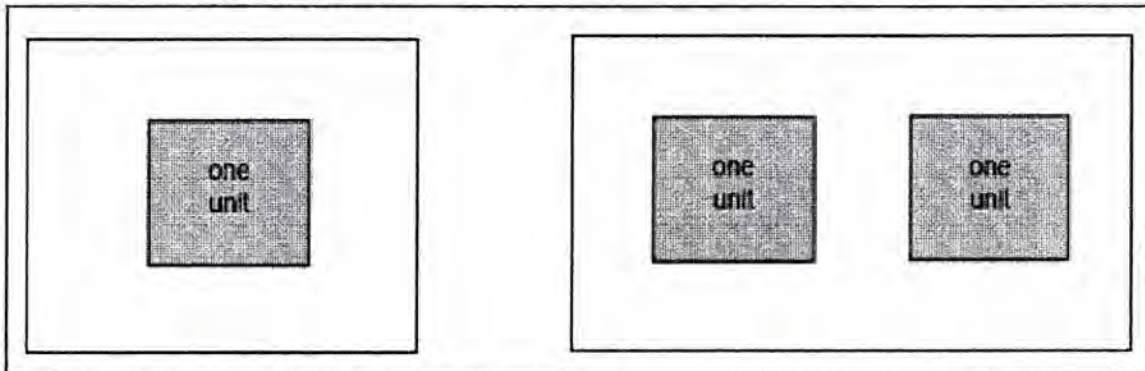
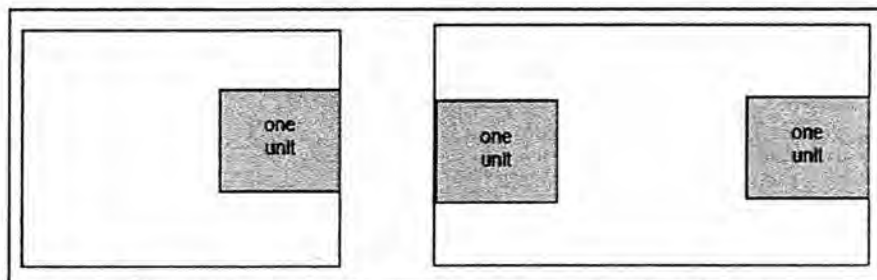


Figure 1.6-5 - Residential Single Detached

2. Single Detached (Zero Lot Line) - One dwelling unit, freestanding and structurally separated from other buildings, with no setback from one lot line. Graphics below are examples of possible site layouts. All density and development standards (minimum lot size, setbacks, etc.) shall be as specified per unit in the underlying zoning designation, including situations where this building type is combined with another building type on the same lot or development site. ~~Where multiple dwelling units are located on a single lot, setbacks between structures shall be a minimum of 10 ft.~~



3 Figure 1.6-6 - Residential Single Detached (Zero Lot Line)

Duplex - Two dwelling units on a single lot placed side by side so that some building walls are common for a minimum length of five ft. Fences, trellises, etc. attached between buildings do not create Attached units. Stacked duplex units (where one unit is on top of another) are acceptable. Graphics below are examples of possible site layouts. All density and development standards (minimum lot size, setbacks, etc.) shall be as specified per unit in the underlying zoning designation, including situations where this building type is combined with another building type on the same lot or development site. ~~Where multiple dwelling units are located on a single lot, setbacks between structures shall be a minimum of 10 ft.~~

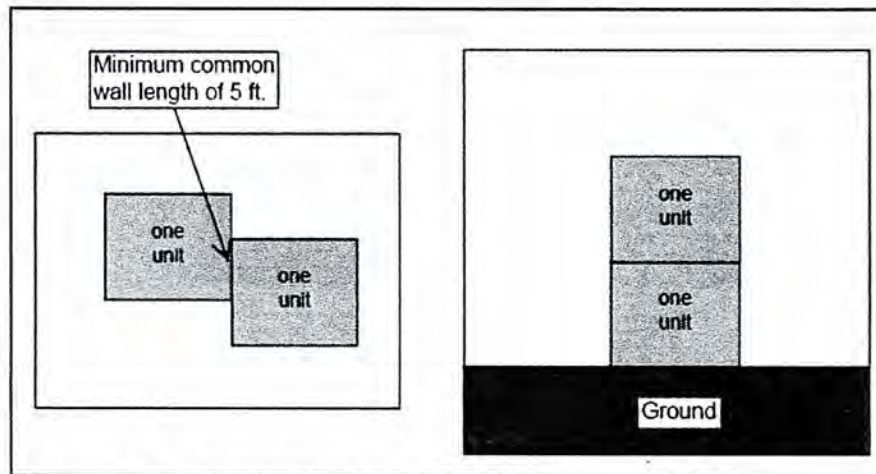


Figure 1.6-7 - Residential Duplex

4. Single Attached (Zero Lot Line) - Two dwelling units on separate lots, but placed side by side so that some building walls are in common for a minimum length of five ft. at a common property line. Fences, trellises, etc. attached between buildings do not create Attached structures.

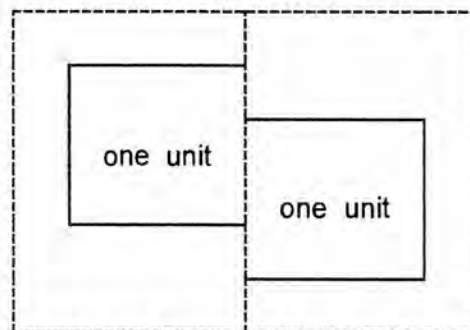


Figure 1.6-8 - Residential Single Attached (Zero Lot Line)



5. Attached - Three or more dwelling units on separate lots, but placed side by side so that some building walls are in common for a minimum length of five ft. at a common property line. Fences, trellises, etc. attached between buildings do not create Attached structures.

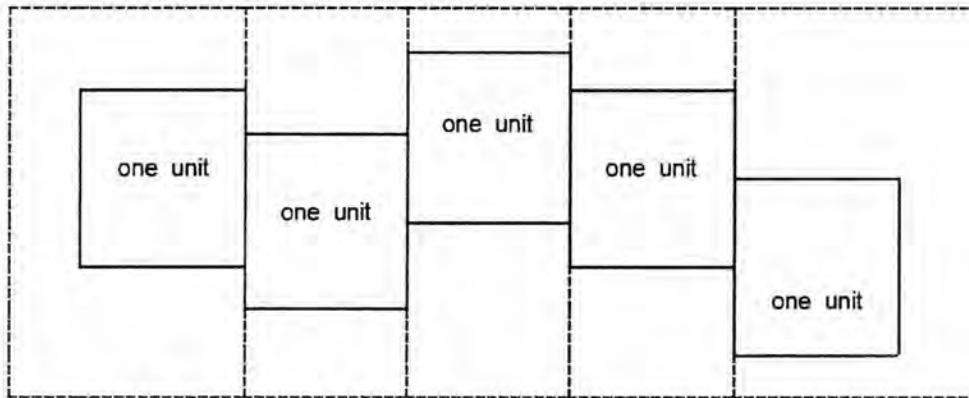


Figure 1.6-9 - Residential Attached

6. Multi-dwelling - Three or more dwelling units in any vertical or horizontal arrangement, located on one lot or development site. The graphic below is an example of a possible site layout. All density and development standards (minimum lot size, setbacks, etc.) shall be as specified per unit in the underlying zoning designation, including situations where this building type is combined with another building type on the same lot or development site. ~~Where multiple dwelling units are located on a single lot, setbacks between structures shall be as required by the underlying zone or, where the zone does not specify such dimensions, a minimum of 10 ft.~~

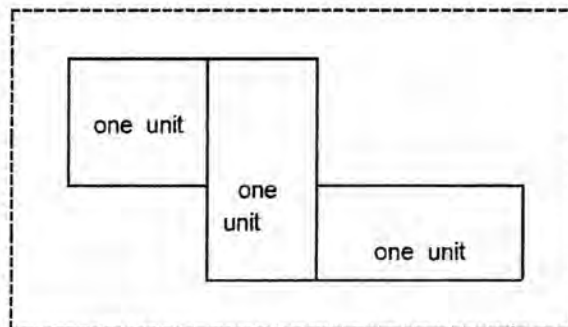


Figure 1.6-10 - Residential Multi-dwelling

7. Manufactured Dwelling Facility - Facility where four or more manufactured or mobile homes are within 500 ft. of one another on a lot, tract, or parcel of land under the same ownership. The primary purpose of the facility is to rent spaces for manufactured or mobile homes. The applicable Oregon Revised Statutes

outlined in Section 1.2.110.02- General Development and Chapter 2.14 - Partitions, Minor Replats, and ~~Lot~~ Property Line Adjustments.

A Partition does not include division of land resulting from any of the following:

1. Establishment or modification of a tax lot by the County Assessor;
  2. A lien foreclosure, foreclosure of a recorded contract for the sale of real property, or creation of cemetery lots;
  3. An adjustment of a property line where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zone criteria established by this Code; or
  4. Sale or grant by a person to a public agency or public body for state highway, county road, City street, or other right-of-way purposes provided that such road or right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r), as amended. ~~Set~~ Lot Property Line Adjustment.
- b. **Subdivision** - Division of land that creates four or more lots within a calendar year when such lots exist as a unit or contiguous units of land under a single ownership at the beginning of such year. A Subdivision does not include division of land resulting from any of the activities in " a," above. Procedures for this type of land use application are outlined in Section 1. 2.110.02 - General Development, Section 1.2.110.03 - Special Development, and Chapter 2.4 - Subdivisions and Major Replats.

**Land, Intensity of** - Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

**Land, Parcel of** - Unit of land with established boundaries or a unit of land created by a Partition. See Lot for a unit of land created by a Subdivision.

**Large Wood (as found in streams)** - In the analysis of the local streams of Corvallis that was done for the Endangered Species Act Salmon Listing Response Plan, Large Wood was identified as 10 centimeters (four inches) in diameter and three meters (10 feet) long.

**Lateral Addition** - See "Lateral Addition" in Section 1.6.40.

**Legal Nonconforming Development** - Lawful existing structure or use that does not conform to current requirements of this Code, but which existed before this Code or any amendment to it became effective.

**Legislative Decision** - Formulation of policy characteristic of the actions by a city council. *Ex parte* contact requirements are not applicable to legislative hearings. In general, personal

**Lot Line Adjustment** - Land use process that shifts the location(s) of lot line(s) but does not create or eliminate a unit of land, and where any reduced lots comply with the applicable zoning regulations. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development, Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments, and Section 2.14.60.

**Lot Line, Front** - In the case of an interior lot, a property line that abuts the public street or private street within a separate tract. In the case of a corner lot, or a lot where vehicular access is provided off an alley and there is no frontage on a public or private street, the front lot line is based on the structure's orientation and at least two of the following factors:

- a. Location of the front door;
- b. Location of the driveway (when accessed off a public or private street); or
- c. Legal street address.

For the purposes of remodeling, rebuilding, constructing additions or accessory structures, etc., a corner lot's front lot line that was determined at the time of original construction of structure(s) on the lot may be considered valid.

**Lot Line, Side** - Lot boundary other than a front or rear lot line.

**Lot Line, Rear** - As shown below in Figure 1.6-20 - Rear Lot Line, lot line or lines most distant from and generally opposite the front lot line. In the case of an interior triangular lot or a lot with more than four sides, however, the rear lot line is a straight line 10 feet in length that:

- a. Runs parallel to the front lot line or its chord; and
- b. Intersects the other lot lines at points most distant from the front lot line.

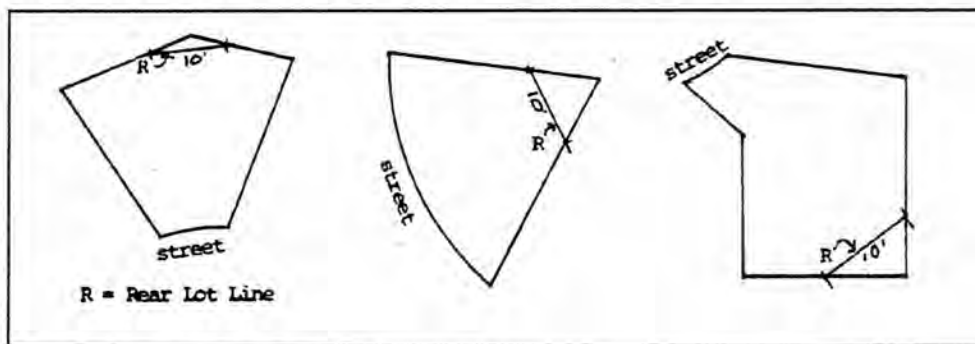


Figure 1.6-20 - Rear Lot Line

**Lot of Record** - Lot or parcel created through applicable Land Division regulations before adoption of this Code.



**Primary Source Material** - Pertains to Designated Historic Resources. Primary source material includes historic photographs, design drawings or blueprints, or other information directly associated with a specific historic resource.

**Primary Use** - Main, principal, or predominant use.

**Principal Use** - See Primary Use.

**Properly Functioning Condition (PFC)** – National Marine Fisheries Service defines PFC as the sustained presence of natural habitat-forming processes that are necessary for the long-term survival of a species through the full range of environmental conditions.

**Property Line Adjustment** - Land use process that relocates all or a portion of the common property line between abutting properties that does not create or eliminate an additional lot or parcel, and where any reduced lot or parcel complies with the applicable zoning regulations. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development, Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments, and Section 2.14.60.

**Protect** – To save or shield from loss, destruction, injury or to save for future intended use.

**Proximate Wetlands** - See Wetlands, Proximate.

**Quasi-judicial Decision** - Similar to a court proceeding in which affected parties are afforded procedural safeguards. The quasi-judicial process is characteristic of most meetings of the Planning Commission and Land Development Hearings Board. Personal notice must be mailed to property owners and occupants living within a prescribed distance from the affected area. Unlike legislative cases, the Planning Commissioners or Land Development Hearings Board members are expected to avoid outside discussion of the business at hand and must declare *ex parte* contacts. See also Legislative Decision.

**Recreational Vehicle** - A vehicle that is:

- a. Built on a single chassis;
- b. 400 sq. ft. or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towed by a light duty truck; and
- d. Designed primarily not for use as a primary dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Redevelopment** – Restoring or replacing existing buildings. See also Infill.

**Rehabilitation Treatment** (as applied to Designated Historic Resources) - As used in this Code, Rehabilitation Treatment includes activities that modify properties. Though removal

of Historically Significant features is discouraged, replacement with new materials and even new additions may be allowed, if they are compatible with the property's historic materials, features, size, scale and proportion, and massing to protect the Historic Integrity of the property and its environment. Approval generally requires quasi-judicial review by the Historic Resources Commission.

**Replat (Major)** - Land use process that is used when parcels within a recorded Subdivision are reconfigured such that four or more parcels are created or deleted in a calendar year. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development, Chapter 2.4 - Subdivisions and Major Replats, and Section 2.4.50 - Major Replat.

**Replat (Minor)** - Land use process that is used when parcels within a recorded Subdivision or Partition are reconfigured such that three or fewer parcels are created or deleted in a calendar year. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development, Chapter 2.14 - Partitions, Minor Replats, and Lot Property Line Adjustments, and Section 2.14.50.

**Reserve Strip** - Strip of land dedicated to the City and reserved for use as part of a future public street or facility.

**Residential Care** - Services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; recreation; and the provision of room and board.

**Residential Care Facility** - Facility licensed by the state to accommodate more than five and fewer than 15 mentally or physically handicapped, elderly, or drug- or alcohol-dependent persons. Does not include resident staff persons engaged in their care.

**Restoration** - Process of returning an area to a close approximation of a former condition, and re-establishing functions.

**Reversible** - Pertains to Designated Historic Resources. Refers to modifications that do not substantially change, obscure, damage, or destroy character-defining materials, features, or finishes. Intent is that the modification could be removed and any impacted character-defining materials, features, or finishes could then be restored.

**Right-of-Way** - Public travel route dedicated for vehicular, bicycle, or pedestrian use. Can and often does contain public and franchise utilities.

**Riparian Area or Riparian Corridor** - Land adjacent to a water body that directly affects or is affected by the aquatic environment. This includes Streams, rivers, and lakes and their side channels, Floodplains, and Wetlands, and portions of adjacent slopes that shade the channel or provide streamside habitat. The area of transition from an aquatic ecosystem to a terrestrial system.

**Yard, Side** - As shown in Figure 1.6-32 - Side Yard below, yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is the minimum horizontal distance between the side lot line and a line parallel to the nearest point of the main building.

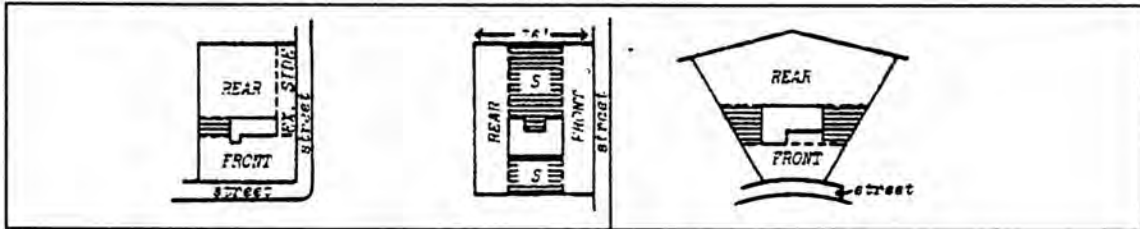


Figure 1.6-32 - Side Yard

**Zone** - Area of land within the Corvallis City limits designated for specific types of permitted developments and subject to the development requirements of that zone.

**Zone Change** - Amendment to the boundaries of zones shown on the Official Zoning Map. Procedures for this type of land use application are outlined in Sections 1.2.90.01 and 1.2.110.03 - Special Development, and Chapter 2.2 - Zone Changes.

[Section 1.6.30 amended by Ordinance 2012-00x, effective December X, 2012]



- a) The application;
  - b) All documents and evidence used by the applicant; and
  - c) Applicable criteria.
10. A statement that the staff report will be available for review at no cost seven days before the hearing and will be duplicated upon request at reasonable cost; and
  11. A description of the hearing procedure with encouragement for concerned citizens to submit testimony orally or in writing.
- c. **Notice List** - The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:
1. The applicant or authorized agent(s), and owner(s) of the property of the subject application if different from the applicant. For the purposes of this mailing, the property owner shall be determined using the most recent Benton County Assessor's database supplied to the City;
  2. Any person who resides on or owns property within 300 ft., including street right-of-way, of a parcel of land proposed for:
    - a) Zone Changes or Comprehensive Plan Amendments - excluding establishing or removing Historic Preservation Overlay Zones and Research Technology Center time extensions;
    - b) Subdivisions and Major Replats (Non-Residential);
    - c) Conditional Development - including Willamette River Greenway Permits;
    - d) Annexation proposals;
    - e) Planned Developments, including:
      - 1) Conceptual and/or Detailed Development Plans;
      - 2) Major Planned Development Modifications; and

- 3) Planned Development Nullifications per Section 2.5.80.b:
  - f) Refinement Plans and Refinement Plan Nullifications;
  - g) HRC-level Historic Preservation Permits related to Demolitions;
  - h) Major Neighborhood Center Master Site Plans, including:
    - 1) Master Site Plans; and
    - 2) Major Master Site Plan Modifications;
  - i) Major Lot Development Options; and
  - j) Floodplain Development Permit Variances.
3. Any person who resides on or owns property within 100 ft., including street right-of-way, of a parcel of land proposed for:
- a) Appeals of a General Development decision of the Director;
  - b) Establishing or removing a Historic Preservation Overlay zoning designation, in accordance with Chapter 2.2 - Zone Changes, including appeals of Administrative Zone Changes;
  - c) HRC-level Historic Preservation Permits, except those covered by "2.g," above;
  - d) Minor Planned Development Modifications;
  - e) Expedited Land Divisions;
  - f) Major Neighborhood Center Minor Site Plan Modifications;
  - g) Request for Extension of Services outside the City limits. In addition, all property owners between the City limits and the subject property shall be mailed a notice; ~~and~~
  - h) Sign Variance;
  - i) Minor Lot Development Options;

j) Subdivisions and Major Replats (Residential); and

k) Conditional Development Permit Modifications

4. Tenants of an existing Manufactured Dwelling Facility for which a Zone Change is proposed;
  5. Any other person, agency, or organization required to receive notice per the requirements for vacating public lands, including Subdivision plats and street rights-of-way, as provided in Chapter 2.8 - Vacating of Public Lands and Plats and ORS 271.080, as amended;
  6. Any other person, agency, or organization that has filed a request to the Director to receive notices of hearings and has paid a reasonable fee to cover noticing therefor;
  7. Any other person, agency, or organization that may be designated by this Code, the City Council, or its agencies;
  8. Any other resident owner of property whom the Director determines is affected by the application; and
  9. Historic Resources Commission and State Historic Preservation Office, for the following:
    - a) Appeals of Director-level and HRC-level Historic Preservation Permits; and
    - b) Zone Change applications to establish or remove a Historic Preservation Overlay zoning designation in accordance with Chapter 2.2 - Zone Changes, including appeals of Administrative Zone Changes.
  10. Oregon Department of Parks and Recreation, for development on property with a Willamette River Greenway Overlay Zone.
- d. **Sunset** - The public notice changes instituted by LDT03-00002 shall be re-evaluated by the City within two years of the adoption of that amendment to see if it is still necessary to maintain reduced public notice requirements.
- e. For the purpose of mailed notification, the County Assessor's most recent property tax assessment roll shall be used. Notices shall be sent to the



#### **2.0.50.08 - Voting Eligibility**

When a member of the hearing authority becomes ineligible to vote due to absence from a portion of the public hearing on the proposed development, the member may revive voting eligibility by listening to the completed tape recording of the portion of the hearing missed. The member shall then announce to the hearing authority that he or she has listened to the tapes.

#### **2.0.50.09 - Action by Hearing Authority**

The hearing authority shall act upon the development proposal application within 120 days after the application is deemed complete (or within 90 days after the application is deemed complete for a collocated wireless telecommunication facility) unless such time limitation is extended with the consent of the applicant or as required by law. Unless otherwise ordered by the hearing authority, the Director shall process applications in the order in which they are filed.

**a. The hearing authority may:**

1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;
2. Continue the public hearing;
3. Refer the matter to a committee;
4. Approve the applications as submitted;
5. Deny the request; or
6. Approve the request with Conditions of Approval in accordance with "b," below.

Findings of fact in support of any decision shall be required in accordance with Section 2.0.50.10 below, and shall be in the record of proceedings prior to any final action by the hearing authority to approve, approve with conditions, or deny a request.

**b. The following limitations shall be applicable to conditional approvals:**

1. Conditions of Approval shall be fulfilled within the time limitations set forth in the Conditions of Approval; and

before the last Monday of the month, and found to be complete within the next 30 days, shall be scheduled for a Planning Commission public hearing in the third month following the application submittal. For example, applications filed the last Monday in January, and found to be complete by the end of February, shall be heard by the Planning Commission in April.

*[Section 2.0.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.0.60 - PROCEDURES FOR HEARINGS INVOLVING REMANDS FROM THE STATE LAND USE BOARD OF APPEALS (LUBA)**

Procedures for hearings involving both voluntary and involuntary remands from the State Land Use Board of Appeals shall be as follows:

- a. The Director shall present the remand directly to the City Council so that it can decide how to proceed. The Director shall inform the City Council of the nature of the remand, and the Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:
  1. Send the matter to another authorized hearing authority, such as the Land Development Hearings Board, Historic Resources Commission, or Planning Commission;
  2. Set a hearing date to decide the matter without re-opening the public hearing on the case; or
  3. Set a hearing date and re-open the public hearing for consideration.
- b. When considering a remand, the hearing authority may consider the case in whole or in part.
- c. Procedures for public notice and order of proceedings for remands on legislative matters shall be in accordance with Section 2.0.40.
- d. Procedures for public notice and order of proceedings for remands on quasi-judicial matters shall be in accordance with Section 2.0.50, except that in all cases, required mailing of notices shall occur a minimum of 20 days in advance of the public hearing to address the remand.

## **CHAPTER 2.1**

### **COMPREHENSIVE PLAN AMENDMENT PROCEDURES**

#### **Section 2.1.10 - BACKGROUND**

The adopted Comprehensive Plan is the City's official statement of major policies concerning desired future development of the community. The Comprehensive Plan is the controlling land use planning instrument for the City and, as such, land development regulations and related actions are required to conform with the Plan.

This chapter pertains to lands within the City limits. Those portions of the Comprehensive Plan that apply to areas outside the City limits but within the Urban Growth Boundary shall be amended in accordance with the provisions of the Corvallis Urban Fringe Management Agreement.

#### **Section 2.1.20 - PURPOSES**

This Chapter describes the review criteria and procedural requirements to accomplish the following:

- a. Respond to changing conditions and community attitudes;
- b. Ensure flexibility while maintaining the integrity of the Comprehensive Plan; and
- c. Establish procedures by which the Plan text and map may be amended.

#### **Section 2.1.30 - PROCEDURES**

##### **2.1.30.01 - Initiation**

Comprehensive Plan Amendments shall be initiated by one of the following:

- a. An application submitted by the property owners or their authorized agents;  
or
- b. A majority vote of the City Council. City Council initiation of Comprehensive Plan Map Amendments shall be considered to accomplish the following:
  - 1. Respond to changed circumstances;
  - 2. Correct inconsistencies with state goals;



the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis. Also see Section 4.0.60.a;

- l. Statement outlining the method and source of financing required to provide additional facilities; and
- m. Statement of the reasons for the change, and how the proposal meets the review criteria in Section 2.1.30.06 or 2.1.30.07, whichever is applicable.

**n.Required fees as described in LDC § 1.2.100.01.**

**2.1.30.04 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and rescheduling of the required public hearing.

**2.1.30.05 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial.

**2.1.30.06 - Review Criteria for the Majority of Comprehensive Plan Amendments**

- a. This Section addresses review criteria for the following:
  - 1. Text Amendments to the Comprehensive Plan; and
  - 2. Amendments to the Comprehensive Plan Map that do **not** involve a Map Amendment to Open Space-Conservation or Public Institutional, when such a Map Amendment is required as part of an Annexation

Map corrections made by the Director shall be reported to the Council and the owner of the property receiving the correction by noting the correction as a consent item on a Council agenda following the correction, and by mailing the property owner notification of the correction.

*[Section 2.1.30 amended by Ordinance 2012-00x, effective December X, 2012]*

## **CHAPTER 2.2**

### **ZONE CHANGES**

#### **Section 2.2.10 - BACKGROUND**

The Official Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such is a reflection of the City's land use planning goals. The map has also been adopted as part of this Code. Frequent and piecemeal amendments to the Official Zoning Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Official Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances, or to provide an incentive for the protection of Natural Resources and Natural Hazards.

When a zone is amended, there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one zone corresponds to a site's Comprehensive Plan designation. In these situations, the zone can be amended without a Comprehensive Plan Map Amendment. Table 2.2-1 - Comprehensive Plan and Corresponding Zoning Map Designations, below illustrates the relationship between the Comprehensive Plan and the Official Zoning Map designations in the City.

Zone Changes are classified as legislative or quasi-judicial, depending on the number of properties involved. While only the City Court makes legislative decisions regarding Zone Changes, quasi-judicial decisions may be made by the:

- a. Community Development Director in the case of Administrative Zone Changes to:
  1. Remove a Historic Preservation Overlay in cases where a public hearing is not required. See Section 2.2.50;
  2. Apply a Conservation - Open Space Zone on lands that already have a Natural Resource or Natural Hazards Overlay. See Section 2.2.50; and
  3. Remove a residential Planned Development Overlay as mandated by the state. See Section 2.2.50.
- b. Planning Commission;
- c. Land Development Hearings Board;



- b) If a Historic Preservation Overlay is proposed to add a historic resource to the Local Register, why the boundaries of the proposed Historic Preservation Overlay are appropriate, given the historic resources located in the proposed Historic Preservation Overlay; and
  - 4. Two sets of black and white photographs of, and inventory information for, each of the historic resource(s) proposed to be subject to a Historic Preservation Overlay. The photographs shall be four by six in., five by seven in., or eight by 10 in. Digital images meeting federal National Park Service photo policy standards, as amended, for National Register of Historic Places resources, are acceptable.
- c. **Requirements for District Change Applications to Remove a Historic Preservation Overlay**
  - 1. All requirements of "a," above;
  - 2. Map illustrating the location and bounds of the Historic Preservation Overlay proposed to be removed and any Designated Historic Resource(s) within that area;
  - 3. Statements explaining the following:
    - a) How removal of the proposed Historic Preservation Overlay is consistent with the review criteria in Section 2.2.40.05.c;
    - b) Why the applicant is requesting removal of the existing Historic Preservation Overlay;
  - 4. Two sets of black and white photographs of, and inventory information for, each of the Designated Historic Resource(s) within the Historic Preservation Overlay area proposed for removal. The photographs shall be four by six in., five by seven in., or eight by 10 in. Digital images meeting federal National Park Service photo policy standards, as amended, for National Register of Historic Places Designated Historic Resources, are acceptable.

**d.Required fees as described in LDC § 1.2.100.01.**

**2.2.40.03 - Acceptance of Application**

and/or Historic Resources Commission, as applicable, shall become effective 12 days after the Notice of Disposition is signed.

- c. Unless an appeal has been filed, decisions of the Planning Commission made in conjunction with a Comprehensive Plan Amendment shall become final effective 12 days after the Notice of Disposition is signed. The Zone Changes will not take effect, however, until and unless the necessary Comprehensive Plan Amendment has been implemented by the City Council.

*[Section 2.2.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.2.50 - QUASI-JUDICIAL CHANGE PROCEDURES FOR ADMINISTRATIVE ZONE CHANGES**

- a. **Quasi-judicial Zone Changes** - As stated in Section 2.2.40.a, all Zone Changes not deemed legislative shall be quasi-judicial. Administrative Zone Changes are quasi-judicial Zone Changes that are not subject to a public hearing and are defined by and subject to the provisions below. All other quasi-judicial Zone Changes are subject to a public hearing and the provisions of Section 2.2.40.
- b. **Administrative Zone Change Defined** - A Zone Change is considered an Administrative Zone Change if the Change applies to one or more of the situations in "1," through "3," below.
  - 1. Establishment of a Conservation - Open Space Zone - A Zone Change is requested to establish a Conservation - Open Space Zone on property(ies) with a Natural Hazard Overlay or Natural Resource Overlay designation.
  - 2. Removal of a Residential Planned Development Overlay - A Zone Change is requested to remove a residential Planned Development Overlay and both "a," and "b," below are true:
    - a) The underlying Zone designation is RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, or MUR; and
    - b) The request is limited to the removal of the Planned Development Overlay and there is no active Detailed Development Plan on the site. See Section 2.2.50.06.b.3.

5. Appeal period deadline; and
6. A statement that a copy of the application, all documents and evidence submitted by or on the behalf of the applicant, and applicable criteria are available for inspection at no cost and copies can be provided at a reasonable cost.

#### **2.2.50.09 - Appeals**

The Director's decision may be appealed in accordance with Chapter 2.19 - Appeals.

#### **2.2.50.10 - Effective Date**

Unless an appeal has been filed, the Director's decision shall become effective 12 days ~~from the date that~~ after the Notice of Disposition is signed, ~~unless an appeal has been filed~~. Once an Administrative Zone Change is approved and is in effect, the Official Zoning Map shall be amended accordingly.

### **Section 2.2.60 - PROCEDURES FOR RECLASSIFYING A DESIGNATED HISTORIC RESOURCE IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT**

Reclassification of a Designated Historic Resource in a National Register of Historic Places Historic District is accomplished per state and federal procedures. Upon notification from the State Historic Preservation Office that a reclassification of a Nationally-designated Historic Resource has been approved, the City shall amend its files accordingly. All future Historic Preservation Permit applications relating to this Nationally-designated Historic Resource shall be evaluated per the revised reclassification. If a property owner believes that an error was made in the nomination papers for a Designated Historic Resource, the property owner may petition the Director to help correct it. The owner should explain the nature of the mistake, using sources of information in Section 2.9.60.c. The Director shall forward the property owner's request for the correction, along with the property owner's documentation, to the State Historic Preservation Office (SHPO) for consideration.

#### **Section 2.2.70 - Map Errors**

If the Land Development Hearings Board, Planning Commission, or City Council approves a Zone Change, but the Director discovers that the Official Zoning Map was not altered to accurately reflect the Zone Change, the Director shall correct the Official Zoning Map to comply with the Zone Change without any additional public review.



## **CHAPTER 2.3 CONDITIONAL DEVELOPMENT**

### **Section 2.3.10 - BACKGROUND**

Certain Use Types listed in each zone require a public hearing to determine how they affect surrounding properties, neighborhoods, and the community as a whole. The Conditional Development review process provides an opportunity to allow a Use when potential adverse effects can be mitigated, or deny a Use if concerns can not be resolved to the satisfaction of the hearing authority. It is the intent of this Chapter to permit Conditional Developments and Conditional Development Modifications consistent with the Comprehensive Plan, subject to procedures and criteria intended to mitigate potentially negative impacts.

### **Section 2.3.20 - PURPOSES**

Procedures and review criteria for Conditional Developments are established for the following purposes:

- a. Permit certain types of public and private development that provide a community service in locations related to their service areas;
- b. Permit commercial development in locations related to its service area;
- c. Ensure that Conditional Development is compatible with its immediate area and the affected part of the community;
- d. Permit Uses when potentially adverse effects can be mitigated; and
- e. Permit a mixture of residential development types.

### **Section 2.3.30 - CONDITIONAL DEVELOPMENT PROCEDURES**

When an application is filed for a Conditional Development or a Conditional Development Modification, it shall be reviewed in accordance with the following procedures.

#### **2.3.30.01 - Application Requirements**

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

- d) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Conditional Development.
- 5. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. See Section 4.0.60.a;
- 6. Statement addressing compatibility of proposed development with adjacent land uses relating to such items as architectural character, Building Type, and height of proposed structures; and
- 7. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided per gross floor area or per number of units.
- 8. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA ), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.

h.Required fees as described in LDC § 1.2.100.01.

**2.3.30.02 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and rescheduling of the required public hearing.

**2.3.30.03 - Staff Evaluation**

- m. Preservation and/or protection of Significant Natural Features, consistent with Chapter Chapter 2.11 - Floodplain Development Permit, 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

Any Conditional Development request on residentially designated property shall also result in a clear and objective set of development standards, between the Conditional Development proposal, required adherence to this Code, and Conditions of Approval.

#### **2.3.30.05 - Action by the Hearing Authority ~~Planning Commission~~**

The Planning Commission (or City Council for a Conditional Development Permit application involving a collocated wireless telecommunication facility) shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the hearing authority ~~Commission~~ shall approve, conditionally approve, or deny the Conditional Development. The hearing authority's ~~Commission's~~ decision shall include findings that specify how the application has or has not complied with the above review criteria.

#### **2.3.30.06 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the ~~Planning Commission's~~ Hearing Authority's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing. For development on property with a Willamette River Greenway Overlay Zone, a Notice of Disposition shall also be mailed to the Oregon Department of Parks and Recreation.

#### **2.3.30.07 - Appeals**

The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.



#### **2.3.30.08 - Effective Date**

Unless an appeal has been filed, the decision of the hearing authority shall become effective 12 days after the Notice of Disposition is signed.

#### **2.3.30.09 - Effective Period of Conditional Development Approval**

Conditional Development approval shall be effective for ~~atwo~~four-year period from the date of approval. If the applicant has not begun the Conditional Development or its phases within the ~~two~~four-year period, all approvals shall expire. ~~Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed two additional years.~~

#### **2.3.30.10 - Review Criteria for Determining Compliance with an Approved Conditional Development**

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in substantial compliance with the approved Conditional Development. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in Section 2.3.30.04, does not involve modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Conditional Development approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Conditional Development. Minor revisions shall be allowed if all of the following are met:

1. Falls below the thresholds identified in Section 2.3.40.02.a;
2. Does not affect any conditions of approval;
3. Adds, or reduces, less than 1,000 sq. ft. of floor area to the approved development plan, but does not result in the cumulative transfer of approved building square footage between approved buildings beyond 1,000 square feet;
4. Complies with all applicable Land Development Code provisions; and
5. When evaluated in relation to all prior approved minor revisions to the approved Conditional Development, does not result in changes that would cumulatively exceed the thresholds listed above.

## **Section 2.3.40 - CONDITIONAL DEVELOPMENT MODIFICATION**

### **2.3.40.01 - Purposes of a Conditional Development Modification**

- a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conditional Developments; and
- b. Provide benefits within the development site that compensate for requested variations from approved Conditional Developments such that the intent of the original approval is still met.

### **2.3.40.02 - Thresholds of a Conditional Development Modification**

- a. The factors identified here describe the thresholds that separate a Conditional Development Modification from the need to apply for a new Conditional Development Permit:
  - 1. Change in Use Type;
  - 2. Increase in dwelling unit density;
  - 3. Decrease in dwelling unit density by more than three units for development sites one acre or smaller in size; or decrease in dwelling unit density by more than five units or by more than 10 percent, whichever is less, for development sites larger than one acre;
  - 4. Change in the ratio of the different types of dwelling units;
  - 5. Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate, or further separate, a building from pedestrian facilities, etc.);
  - 6. Change in the type and location of accessways and parking areas where off-site traffic would be affected or which result in a less pedestrian-friendly environment;
  - 7. Increase in the number of parking spaces where such increase



- d. To determine whether to authorize a Conditional Development Modification, the Director shall consider the review criteria in Section 2.3.30.04 and the following additional review criterion:

New elements are provided that functionally compensate for any negative effects caused by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.

- e. Upon finding that the application qualifies as a Conditional Development Modification, the Director may consider the redesign in whole or in part of any Conditional Development, to the extent that the redesign still falls within the thresholds outlined in Section 2.3.40.02.
- f. Notice, action on the application, the Notice of Disposition, appeals, the effective date, and the effective period of approval for a Conditional Development Modification shall be in accordance with sections 2.12.30.04.a, ~~and 2.12.30.07.a, 2.12.30.08.a, 2.12.30.09.a, 2.12.30.10.a, and 2.12.30.11.a~~ through 2.12.30.14 of Chapter 2.12 - Lot Development Option, except that for development on property with a Willamette River Greenway Overlay, both a Public Notice and Notice of Disposition shall also be mailed to the Oregon Department of Parks and Recreation.

#### **2.3.40.04 - Determining Compliance with a Conditional Development Modification**

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Conditional Development Modification. It shall be deemed to be in substantial compliance if it does not involve deviations from this Code's development standards and does not involve changes to any specific requirements established at the time of Conditional Development Modification approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Conditional Development Modification.

*[Section 2.3.40 amended by Ordinance 2012-00x, effective December X, 2012]*



## **CHAPTER 2.4**

### **SUBDIVISIONS AND MAJOR REPLATS**

#### **Section 2.4.10 - BACKGROUND**

The division of land is the first step toward establishing a community's ultimate development pattern. Land Divisions can occur through either a Subdivision or a Partition procedure. A *Subdivision procedure* is used when four or more units (generally called lots) of land are created in a calendar year. Residential Subdivision applications are reviewed by the Director and do not go through a public hearing, except upon appeal. Nonresidential Subdivision applications are reviewed by the Planning Commission. For the purposes of this Chapter, Residential Subdivisions are those involving lands with a Zoning Designation of RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Subdivisions are those with a Zoning Designation other than those for Residential Subdivisions. Subdivision applications may include requests for Planned Developments to permit greater flexibility in design. Procedural provisions for Planned Developments are addressed in Chapter 2.5 - Planned Development.

A *Partition procedure* is used when three or fewer units (generally called parcels) are created in a calendar year. Partitions may or may not involve creation of a street. Partition applications are reviewed by the Director and do not go through a public hearing, except upon appeal. Partitions, in addition to procedures for Minor Replats and Property Line Adjustments, are addressed in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

This Chapter presents the review process and plat requirements for Subdivisions. Chapter 4.4 - Land Division Standards discusses lot and street design requirements and therefore must be reviewed in conjunction with this Chapter in creating and developing a Subdivision.

#### **Section 2.4.20 - PURPOSES**

Land Division review procedures are established in this Chapter for the following purposes:

- a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
- b. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;

- b) Residential Subdivisions - a Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20- year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that at least LOS D will be maintained for 20 years.
6. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA ), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.

h. Required fees as described in LDC § 1.2.100.01.

**2.4.30.02 - Acceptance of Application**

- a. The Director shall process Nonresidential Subdivision applications in accordance with Chapter 2.0 - Public Hearings. The Director shall process Residential Subdivisions in accordance with the procedures in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.
- b. After accepting a complete application for a Nonresidential Subdivision, the Director shall schedule a public hearing to be held by the Planning Commission. After accepting a complete application for a Residential Subdivision, the Director shall commence review in accordance with Section 2.14.30.02. Notice of the hearing for a Nonresidential Subdivision shall be provided in accordance with Chapter 2.0 - Public Hearings. Notice for a Residential Subdivision shall be provided in accordance with Section 2.14.30.03.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and

review criteria.

- b. **Action by the Director for Residential Subdivisions** - Following the staff evaluation outlined in Section 2. 4.30.03, the Director shall approve, conditionally approve, or deny the Tentative Subdivision Plat. The Director's decision shall include findings that specify how the application has or has not complied with the above review criteria.

#### **2.4.30.06 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.4.30.07 - Appeals**

The decision of the Director or Planning Commission, whichever the decision-maker as outlined in this Chapter, may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.4.30.08 - Effective Date**

Unless an appeal is filed, the decision of the Director or the Planning Commission shall become effective 12 days after the Notice of Disposition is signed.

#### **2.4.30.09 - Effective Periods of Tentative Subdivision Plat Approval**

- a. **Effective Period for Nonresidential Subdivisions** - Tentative Subdivision Plat approval shall be effective for a ~~two~~four-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the ~~two~~four-year period (with appropriate assurances for improvements, if applicable), all approvals shall expire. ~~Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period once for a period not to exceed one additional year.~~
- b. **Effective Period for Residential Subdivisions** - Tentative Subdivision Plat approval shall be effective for a two-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the two-year



period (with appropriate assurances for improvements, if applicable), all approvals shall expire.

*[Section 2.4.30 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.4.40 - FINAL SUBDIVISION PLAT REVIEW PROCEDURES**

### **2.4.40.01 - Application Requirements**

Three originals of the Final Subdivision Plat, as well as an electronic version of the Plat that is compatible with City formats, shall be submitted to the Director. The Final Subdivision Plat shall conform to the approved Tentative Subdivision Plat and Article IV - Development Standards, except where modified by a Planned Development approval. See Chapter 2.5 - Planned Development. The Final Subdivision Plat shall also meet Benton County's survey and Subdivision Plat standards and contain or be accompanied by the following information:

- a. Name of the Subdivision ;
- b. Date, north arrow, scale, legend, and existing features such as highways and railroads;
- c. Legal description of Subdivision boundaries;
- d. Reference and bearings to adjoining recorded surveys;
- e. Exact location and width of streets and easements intersecting the boundary of the Subdivision;
- f. Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:
  1. Lot numbers shall begin with the number "1", and shall be numbered consecutively in each block. The numbering generally follows the same sequence as sections in a township;
  2. Block numbers shall begin with the number "1", and shall be numbered consecutively without omission or duplication throughout the Subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate other elements of the Final Subdivision Plat. Block and lot numbers in an

## **CHAPTER 2.5 PLANNED DEVELOPMENT**

### **Section 2.5.10 - BACKGROUND**

It is the intent of this Chapter to establish procedures that permit flexibility in the land development process, allow for better preservation of Significant Natural Features, and allow for innovation in site planning and architectural design.

The Planned Development process is established to allow the review and approval of Conceptual and Detailed Development Plans, to provide the mechanism for achieving greater flexibility and improved design in cases where the scope of proposed modifications to pre-stated standards exceeds that permitted through a Lot Development Option. A Lot Development Option allows minor modifications to required specification standards on an individual lot of record. The procedures for a Lot Development Option are identified in Chapter 2.12 - Lot Development Option.

**a. The Procedures of this Chapter are Applicable When -**

1. A property owner requests a Conceptual and/or Detailed Development Plan concurrent with a specific project review; or
2. A Nonresidential or Residential Planned Development Overlay, established in accordance with the provisions of Chapter 3.32 - Nonresidential PD (Planned Development) Overlay or Chapter 3.33 - Residential PD (Planned Development) Overlay, respectively, exists on the site and is shown on the City's Official Zoning Map.

Depending on the level of detail provided in a Planned Development application, a Planned Development project proposal is called a Conceptual Development Plan or a Detailed Development Plan. A Conceptual Development Plan provides general concepts for development on a site. A Detailed Development Plan provides the specifics for development on a site and is required following or simultaneously with approval of a Conceptual Development Plan. When a Detailed Development Plan is processed simultaneously with a Conceptual Development Plan, it is called a Conceptual and Detailed Development Plan. Upon Planning Commission approval of a Detailed Development Plan or a Conceptual and Detailed Development Plan, Building Permits are issued consistent with that Plan.

Chapter 4.6 - Solar Access; and

7. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.
- h. Any proposed Floodplain Development Permit variation that exceeds the scope of Section 2.11.60.01.a shall also meet the Floodplain Development Permit Variance application requirements in Section 2.11.60.02 and, as applicable, Section 2.11.50.01.

i. Required fees as described in LDC § 1.2.100.01.

**2.5.40.02 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and rescheduling of the required public hearing.

**2.5.40.03 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the Conceptual Development Plan complies with the review criteria below. The report shall also include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

**2.5.40.04 - Review Criteria**

Requests for the approval of a Conceptual Development Plan shall be reviewed to



Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

#### **2.5.40.06 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.5.40.07 - Appeals**

The decision of the Planning Commission may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.5.40.08 - Effective Date**

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the Notice of Disposition is signed.

#### **2.5.40.09 - Effective Period of Conceptual Development Plan Approval**

Conceptual Development Plan approval shall be effective for ~~three~~four-year period from the date of approval. If the applicant has not submitted a Detailed Development Plan for the Planned Development or its phases within the ~~three~~four-year period, all approvals shall expire.

##### **a. Conceptual Development Plans on Residentially Designated Property -**

1. If the Conceptual Development Plan pertains to residentially designated property, was established at the request of the property owner, and there is no active Detailed Development Plan on any portion of the site, the property owner may request and be granted nullification of the Conceptual Development Plan in accordance with Section 2.5.80; ~~and~~
- ~~2. Where the Planning Commission finds that conditions have not changed, at the property owner's request and at its discretion and without a public hearing, the Commission may extend the effective period once for a period not to exceed two additional years.~~

- ~~b. Conceptual Development Plans on Nonresidentially Designated Property - Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the effective period once for a period not to exceed two additional years.~~

*[Section 2.5.40 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES**

### **2.5.50.01 - Application Requirements**

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

**Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to this Code's applicable requirements.**

An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan in Section 2.5.40 above and shall also include the following:

#### **a. Graphic Requirements**

In addition to the graphic requirements specified for a Conceptual Development Plan in Section 2.5.40.01, a Detailed Development Plan shall include:

1. Location and floor area of existing and proposed structures and other improvements, including maximum heights, Building Types, and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, parking calculations and walkways. Where required by the applicable zone, Lot Coverage and Green Area calculations shall be provided. Parking calculations shall also be provided;
2. Typical elevations and floor plans of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development,

design, material, color, method, and direction of illumination;

9. For residential development, location of existing and proposed structures and trees on the site that could reduce solar access to any buildable area within the development. The application shall indicate the type and location of trees to be preserved or planted, and the shadow patterns of the trees at their mature height between 9 a.m. and 3 p.m. on November 21; and
10. For residential development, the location of solar collectors on land adjacent to the development for which Solar Access permits have been granted.

**b. Narrative Requirements**

In addition to the narrative requirements specified for a Conceptual Development Plan in Section 2.5. 40.01 above, the Detailed Development Plan shall include:

1. Proposals for setbacks or building envelopes, lot areas where Land Division is anticipated, and number of parking spaces to be provided (per gross floor area or per number of units);
2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;
3. Proposed methods of energy conservation; and
4. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.

**c. Tentative Plat**

If a Planned Development is to be subdivided, a Tentative Subdivision Plat may also be submitted in accordance with Chapter 2.4 - Subdivisions and Major Replats to permit simultaneous review.

**d.Required fees as described in LDC § 1.2.100.01.**

**2.5.50.02 - Acceptance of Application**



5. Complies with all applicable Land Development Code provisions; and
6. When evaluated in relation to all prior approved minor revisions to the approved Planned Development, does not result in changes that would cumulatively exceed the thresholds listed above.

*[Section 2.5.50 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.5.60 - PLANNED DEVELOPMENT MODIFICATION**

This Section identifies the processes by which an approved Conceptual or Detailed Development Plan may be modified. In general, such plans may be modified in ~~three~~ four ways, depending upon the degree of modification proposed. These include the Lot Development Option process described in Chapter 2.12 - Lot Development Option, Minor Revisions to the Planned Development, and the Minor and Major Planned Development Modification processes described below. Within the Conceptual or Detailed Development Plan, the Lot Development Option process may only be used for modification of a specific standard at a specific location where no deviation from standards has already been approved.

### **2.5.60.01 - Purposes of a Planned Development Modification**

- a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conceptual or Detailed Development Plans; and
- b. Provide elements within the development site that compensate for requested variations from approved Conceptual or Detailed Development Plans such that the intent of the original approvals is still met.

### **2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification**

- a. The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification.
  1. Change in Use Type, with the exception that for a valid (still active) Planned Development that existed or was approved before December 31, 2006, a Modification request shall be considered as follows:
    - a) A request to add Uses permitted by the underlying zone to up

procedures described in Section 2.5.60.03.

- c. In reviewing the proposed Modification, the Director shall follow the procedures herein required for Minor Planned Development Modification submittal and review.
- d. To determine whether to authorize a Minor Planned Development Modification, the Director shall consider the review criteria in Section 2.5.50.04 and the following additional review criterion:

New benefits are provided that functionally compensate for any negative effects caused by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.

- e. Upon finding that the application qualifies as a Minor Planned Development Modification, the Director may consider the redesign in whole or in part of any Planned Development, provided the redesign still qualifies as a Minor Planned Development Modification.
- f. Notice for a Minor Planned Development Modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.
- g. The Director's action on the application, including issuance of the Notice of Disposition, processing of appeals, establishment of the effective date, and the effective period of the Minor Planned Development Modification, shall be in accordance with Sections 2.12.30.07 through 2.12.30.11, a of Chapter 2.12 - Lot Development Option.

#### **2.5.60.06 - Determining Compliance with a Minor Planned Development Modification**

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Minor Planned Development Modification. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.50.04, does not involve any additional

deviations from this Code's development standards, and does not involve changes to any specific requirements established at the time of Minor Planned Development Modification approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Minor Planned Development Modification.

*[Section 2.5.60 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.5.70 - NONCOMPLIANCE WITH THE APPROVED DETAILED DEVELOPMENT PLAN**

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer and Building Official in writing. Thereafter, the Building Official may issue orders to the developer as are within the range of discretion available to the Building Official, and upon continued noncompliance may withhold Building Permits for further construction or revoke those permits previously issued until compliance is achieved.

#### **Section 2.5.80 - PLANNED DEVELOPMENT NULLIFICATION**

##### **a. Conceptual Development Plan Nullification for Residentially Designated Property -**

1. Property owner(s) or their authorized agents may apply to nullify an active (unexpired) Conceptual Development Plan on residentially designated property by filing an application form provided by the Director and shall include the following:
  - a) Description of the land (address, lot, block, or similar description);
  - b) Map of the subject site, Comprehensive Plan Map Designation, underlying Zoning Map Designation, and Narrative addressing how the application meets the review criteria in Section 2.5.80.a.3, below;
  - c) Maps, drawings, and such other information as may be needed for an adequate review of the application;
  - d) Copies of any applicable Notices of Disposition and/or other documents that explain the background regarding the approval of the Conceptual Development Plan on the subject site and the status of any other land use approvals on the site, including whether or not



- a) Nature of the application and the proposed Use or Uses which could be authorized;
  - b) Street address or other easily understood geographical reference to the subject property;
  - c) Name and phone number of staff contact person; and
  - d) Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and copies can be provided at reasonable cost.
7. Appeals - The decision of the Director may be appealed to the City Council in accordance with Chapter 2.19 - Appeals.
8. Effective Date - Unless an appeal has been filed, the decision of the Director shall become effective 12 days after ~~from when~~ the Notice of Disposition is signed. Once the decision is effective, the Conceptual Development Plan shall be considered nullified, and the associated residential Planned Development Overlay designation shall be removed from the Official Zoning Map.

**b. Conceptual Development Plan Nullification for Nonresidentially Designated Property and Detailed Development Plan Nullification for Both Residentially and Nonresidentially Designated Property -**

- 1. Property owner(s) or their authorized agents may apply to nullify an established Conceptual Development Plan for nonresidentially designated property or a Detailed Development Plan for either residentially or nonresidentially designated property by filing an application form provided by the Director and shall include the following information:
  - a) Information required by Section 2.5.80.a.1; and
  - b) Narrative information and supporting documents sufficient to address the review criteria in Section 2.5.80.b.2 below.
- 2. Review Criteria - The burden of proofs on the applicant to justify Nullification of the Conceptual Development Plan for nonresidentially designated property or a Detailed Development Plan for either residentially or nonresidentially

designated property, by giving substantial evidence that:

- a) Developing the property under conventional zoning standards and regulations will not create Nonconforming Development;
  - b) Special circumstances such as building relationships, drainageways, public improvements, topography, etc., that were to be addressed through the Planned Development process can be dealt with as effectively through conventional standards.
  - c) Conditions of Approval attached by the hearing authority to the approved Planned Development can be met or are no longer necessary; and
  - d) No prior commitments involving the subject property were made that would adversely affect it, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.
3. Notice, action on the application, the Notice of Disposition, appeals, and the effective date of a Planned Development Nullification shall be in accordance with the same provisions for a Detailed Development Plan.
4. If the Conceptual Development Plan for nonresidentially designated property or Detailed Development Plan for either residentially or nonresidentially designated property is nullified, the Planned Development Overlay Designation shall be removed from the Official Zoning Map after the appeal period has expired.

*[Section 2.5.80 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.5.90 - REFINEMENT PLAN PROCEDURES**

A Refinement Plan is more detailed than a Comprehensive Plan and applies to a specific geographic area. A Refinement Plan may be legislative or quasi-judicial and is designed to do the following:

- a. Establish efficient density ranges, including a minimum and maximum density for residential Uses;

standards adopted by the City Council;

- b. Approval does not impede future development of property within the boundaries of the approved Refinement Plan; and
- c. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including the provision of City services and access from a public street.

#### **2.5.100.07 - Action on Application, Notice of Disposition, Appeals, and Effective Date**

Action on the application, the Notice of Disposition, appeals, and the effective date of the Expedited Land Division shall be in accordance with sections 2.14.30.06 through 2.14.30.09 of Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

#### **2.5.100.08 - Effective Period of Expedited Land Division Approval**

Approval of an Expedited Land Division shall be valid for a period of ~~one~~ two years from the effective approval date. ~~Upon request, the Director may approve a single one-year time extension on the approval.~~

#### **2.5.100.09 - Final Plat Review Procedures**

Final Plat review procedures for an Expedited Land Division shall be in accordance with Section 2.14.40 of Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

*[Section 2.5.100 amended by Ordinance 2012-00x, effective December X, 2012]*



## **CHAPTER 2.6 ANNEXATIONS**

### **Section 2.6.10 - BACKGROUND**

The process of land Annexation allows for the orderly expansion of the City and adequate provision for public facilities and services. The City Charter requires voter approval of an Annexation unless an Annexation is mandated by state law. For example, Health Hazard Annexations are mandated by state law and do not require voter approval.

### **Section 2.6.20 - PURPOSES**

The procedures and review criteria for proposed Annexations are established for the following purposes:

- a. Maximize citizen involvement in the Annexation review process;
- b. Establish a methodology to evaluate need, serviceability, and the economic, environmental, and related social effects of proposed Annexations;
- c. Provide adequate public information and sufficient time for public review before an Annexation election;
- d. Ensure adequate time for City staff review; and
- e. Allow for simultaneous review of multiple Annexation proposals.

### **Section 2.6.30 - PROCEDURES**

An application filed for Annexations shall be reviewed in accordance with the following procedures:

#### **2.6.30.01 - Determination of Annexation Type**

The Director shall determine whether an application is for a Minor or Major Annexation as follows:

- a. **Minor Annexation** - Intended to address situations where properties are proposed for Annexation and, by virtue of their size and development potential, have negligible impacts on surrounding properties and neighborhoods, and on the community as a whole. These Annexations are typically proposed to gain access to public services, such as sanitary sewer and water facilities, before actual Health Hazards are declared; to incorporate infill sites into the City; and/or to allow a limited level of urban development to occur on existing parcels. Minor Annexation provisions are not intended to provide for piecemeal Annexations whereby a property owner within the county partitions a small piece of land specifically to be classified as a Minor

i. Required fees as described in LDC § 1.2.100.01.

#### **2.6.30.04 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application has been accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

#### **2.6.30.05 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the Annexation proposal includes adequate information for the hearing authority to determine the proposal's compliance with the review criteria in Sections 2.6.30.06 and 2.6.30.07. The report shall include a recommendation to the Planning Commission and City Council stating whether the Annexation includes adequate information for the electorate to make an informed decision.

The Planning Commission and City Council shall determine whether the Annexation proposal complies with the review criteria and whether the Annexation request should be referred to the electorate.

#### **2.6.30.06 - Review Criteria**

Requests for Annexations shall be reviewed to ensure consistency with the ~~purposes of this Chapter~~, applicable policies of the Comprehensive Plan, particularly Article 14, and other applicable policies and standards adopted by the City Council and State of Oregon.

Annexations can only be referred to the voters when the proposed Annexation site is within the City's Urban Growth Boundary (UGB), and where the findings below are made. The criteria are highlighted in bold type.

- a. **The applicant has demonstrated a public need for the Annexation -**
  1. Minor Annexations - Factors to be considered in evaluating public need for Minor Annexations shall include, but are not limited to:
    - a) Reason for the Annexation;

**Table 2.6 - 1 - Community-wide Livability Indicators and Benchmarks for Annexation Proposals**

<i>Note: The following livability indicators and benchmarks have been placed into the categories of the City's 2020 Vision Statement. As this categorization is a first attempt based upon the actual wording in the Vision Statement, there may need to be some re-categorization and/or other revisions with future updates of this Code.</i>					
LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<b>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Where People Live"</b>					
<b>Annexation Density</b>	Average density of proposed Annexation relative to the average density of land within the City that is developed and of the same type (single-family or multi-family).	Meet or exceed the average density of land within the City, developed, and of the same type as the proposed Annexation (single-family or multi-family). Note: Information regarding existing density within the City may be obtained from the City's annual Land Development Information Report.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		
			Open Space <sup>3</sup>		
			Public Inst.		
<b>Rural Development Potential</b>	Type of county development that could occur if property not Annexed (depends on county land use policies in effect at time of proposed Annexation).	Development on land within the Urban Growth Boundary is done in a fashion that does not preclude urban-level development on the subject site and/or on adjacent properties within the UGB.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
<b>Adjacency to City</b>	Percentage of the perimeter of the Annexation site that is enclosed within the City limits.	It is considered an advantage if ≥ 50 percent of the perimeter of an Annexation site is enclosed within the City limits.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies



LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<b>Development Plans</b>	Concurrent processing of Detailed Development Plan and/or Tentative Subdivision Plat with Annexation request.	It is not considered a disadvantage and may be considered an advantage if an Annexation request is processed concurrently with a Detailed Development Plan and/or Tentative Subdivision Plat, even though such land use decisions may be changed after Annexation.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
<b>Distance to Bicycle and Pedestrian Access</b>	Distance to bike lanes.	0.5-mile to bike lane.	Residential <sup>1</sup>		Applies
	Distance to sidewalk.	0.25-mile to sidewalk.	Commercial/Industrial <sup>2</sup>		Applies
	Distance to multi-use path.	0.5-mile to multi-use path.	Open Space <sup>3</sup>		
			Public Inst.		Applies
<b>Connectivity &amp; Extension of Bicycle and Pedestrian Facilities</b>	It is considered an advantage if improvements proposed as part of the Annexation request would connect to and extend existing bicycle and pedestrian facilities.	Connection to existing pedestrian facilities and extension of them by at least 350 ft.; or connection to existing pedestrian facilities and filling a gap between existing pedestrian facilities of at least 100 ft.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
		Connection to existing bicycle facilities and extension of them by at least 350 ft.; or connection to existing bicycle facilities and filling a gap between existing bicycle facilities of at least 100 ft.	Open Space <sup>3</sup>		
			Public Inst.		Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
Planned Public Transportation Improvements	Type and extent of public transportation improvements (street, bicycle, pedestrian) that are listed in City master plans and would occur with urban-level development of Annexation site.	It is considered an advantage if public transportation improvements (street, bicycle, pedestrian) would be installed with the Annexation, are listed in City master plans, and would enable other sites within the Urban Growth Boundary to ultimately develop.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
Distance to Shopping	Distance from neighborhood shopping opportunities (both existing and planned).	Annexation site is within 0.5-mile of neighborhood shopping opportunities (existing or planned). More advantage associated with shorter distances from existing (as opposed to planned) shopping opportunities and/or location within 0.5-mile from existing shopping opportunities.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		Applies
Affordable Housing	Housing Affordability.	It is considered an advantage if more than 50 percent of the proposed residential housing units are classified as Affordable Housing using the definition in Chapter 1.6 - Definitions. This benchmark to be refined with future update of this Code.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		
			Open Space <sup>3</sup>		
			Public Inst.		
Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Economic Vitality"					
Employment/Housing	Balance of jobs and housing.	To be developed as part of a future update of this Code, and following completion of regional studies.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
Economic Diversification	Diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.	It is considered an advantage if the Annexation request supports diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.  To be refined as part of a future update of this Code.	Residential <sup>1</sup>		
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		
Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Protecting our Environment"					
Natural Features	Acres and percentage of Annexation site with Significant Natural Features.	Consistency with Significant Natural Feature protections specified by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.  It is considered an advantage if Significant Natural Features are protected through Annexation, since they may be better protected within the City.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
Distance to Transit	Distance from an existing transit line and/or bus stop.	Annexation site is within 0.5-mile of an existing transit line and/or bus stop.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		



LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
			Public Inst.	Applies	Applies
<b>Distance to Major Street</b>	Distance to nearest Collector and/or Arterial Street(s) that would serve the proposed Annexation site and is fully improved to City standards or is improved to City standards with regard to bicycle and pedestrian facilities.	Distance to nearest Collector and/or Arterial Street(s) that would serve the proposed Annexation site is $\leq$ 0.25-mile and is either fully improved to City standards or is improved to City standards with regard to bicycle and pedestrian facilities.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		Applies
			Public Inst.		Applies
<b>Intersection</b>	Levels of service for intersections of Arterial and/or Collector Streets, as determined by the City's Traffic Engineer, within a one-mile radius of the site.	Levels of service for intersections of Arterial and/or Collector Streets affected by the proposal, as determined by the City's Traffic Engineer, and generally within a one-mile radius of the site, will be a level of service "D" or better following urban level development of the Annexation site.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		Applies
<b>Truck Traffic Routes</b>	Determination of truck traffic route(s).	Truck traffic associated with urban level development of the proposed Annexation will not result in primary travel routes on Local or Local Connector Streets through residential neighborhoods.	Residential <sup>1</sup>		
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<b><i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Education and Human Services"</i></b>					
<b>Local School Capacity/Travel Distance</b>	Student enrollment, capacity, and average class size of public schools to serve the Annexation site. Distance to public elementary school.	Public schools that would serve the Annexation site are not overcrowded. Corvallis School District goals for average class sizes may vary among grades. 0.5-mile to public elementary school. School District policies, re: boundaries of closest schools or additional schools, factor into potential redefinition of school boundaries.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>		
			Open Space <sup>3</sup>		
			Public Inst.		Applies
<b>Police Response Time</b>	Number of police officers per 1,000 persons residing within City limits.	At least 1.2 officers per 1,000 persons residing within City limits.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		
			Public Inst.	Applies	Applies
<b>Distance from Fire Station</b>	Distance from an existing fire station.	All buildable portions of the Annexation site are within 1.5 miles of a fire station with an engine company.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		
			Public Inst.	Applies	Applies
<b>Public Improvements</b>	Type and extent of public improvements developed to City standards; and urban-level development, such as clustered housing, etc., existing on the proposed Annexation site.	Annexation of partially developed land within the Urban Growth Boundary (UGB) that already contains some public improvements developed to City standards, and urban-level development on part of the site, is considered more advantageous to the City than Annexation of undeveloped land.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies



LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
Distance to Sewer and Water	Distance to adequately sized public sanitary sewer and water lines needed to serve the site.	Sanitary sewer and water facilities are proximate to the Annexation site.  After some monitoring, distances for this benchmark may be specified in a future update of this Code.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		
			Public Inst.	Applies	Applies
Planned Public Utilities	Types and extent of public utility improvements of sanitary sewer, water, and storm drainage, that are listed in City master plans, and would occur with urban-level development of the Annexation site.	It is considered an advantage if the installation of public utilities of sanitary sewer, water, and storm drainage, listed in City master plans, would enable other sites within the UGB to ultimately develop.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Cultural Enrichment and Recreation"					
Distance to Parks	Distance from an existing public park.	Annexation site is within 0.5-mile of an existing public park.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>		
			Open Space <sup>3</sup>		
			Public Inst.		Applies



LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Central City"</i>					
<b>Distance to Downtown</b>	Distance of the Annexation from the Central Business Zone intersection of SW Third Street and SW Monroe Avenue.	It is considered an advantage if an Annexation site is within 3.8 miles from the intersection of SW Third Street and SW Monroe Avenue, within the boundaries of the Central Business Zone.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		
			Public Inst.	Applies	Applies

1. Includes lands with a Comprehensive Plan Map designation of Low, Medium, Medium High, or High Density Residential; or Mixed Use Residential.
2. Includes lands with a Comprehensive Plan Map designation of Mixed Use Commercial, Professional Office, Central Business Zone, Limited Industrial, Limited Industrial-Office, Mixed Use Employment, General Industrial, Intensive Industrial, Mixed Use Transitional, or General Industrial - Office.
3. Includes lands with a Comprehensive Plan Map designation of Open Space-Conservation and Open Space-Agriculture.

#### **2.6.30.08 - Action by the Planning Commission**

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings to evaluate the proposed Annexation and determine its appropriate zoning designation upon Annexation.

Following the close of the public hearing, the Planning Commission shall establish the appropriate zone(s) upon Annexation and forward its recommendation concerning the Annexation to the City Council.

#### **2.6.30.09 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision regarding the zoning designation, a reference to findings leading to it, and the appeal period deadline. The Notice of Disposition shall also include the Planning Commission's recommendation to the City Council regarding the Annexation. The Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.6.30.10 - Appeals**

The decision of the Planning Commission regarding the zoning designation may be appealed in accordance with Chapter 2.19 - Appeals. The Commission's recommendation regarding the Annexation is not a final decision.

#### **2.6.30.11 - Effective Date of Zoning Designation**

Unless an appeal has been filed, the decision of the Planning Commission regarding establishment of the zoning designation shall become effective 12 days after the Notice of Disposition is signed.

If the Annexation is not forwarded to the voters by the City Council, or the electorate does not approve the Annexation, then the newly established zoning designation shall become null and void.

#### **2.6.30.12 - Action by the City Council**

Upon receipt of the Planning Commission's recommendation the proposed Annexation shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings. The Council shall review all proposals in time to comply with county or state deadlines for submitting measures to the voters in May or November. The Council shall set an Annexation for an election only when it finds that the Annexation is consistent with the review criteria in Sections 2.6.30.06 and 2.6.30.07.

Note: The City Council's decision to submit an Annexation to the electorate is the last discretionary decision in the process. Certifying the election after votes are counted is not a discretionary decision.

#### **2.6.30.13 - Public Information**

Public information for each Annexation scheduled for an election shall be reviewed by the Council and published in a newspaper of general circulation in the City at least 10 days before the election, and coordinated with the date that the ballots are mailed. The information shall include a summary of the key components and positive and negative effects of the Annexation that the Council used in deciding to place the Annexation request on the ballot. The information shall also state that staff reports are available from the Planning Division.

*[Section 2.6.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.6.40 - EXCEPTIONS**

The City Council may authorize an exception to the requirements of this Chapter involving filing fees and deadlines, and application requirements. An exception to these provisions shall require a favorable vote of the Council. Unless required by state law, the City Council shall not provide an exception to the requirement of voter approval.

## **CHAPTER 2.7**

### **EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS**

#### **Section 2.7.10 - BACKGROUND**

The process of annexing land to the City allows for the orderly expansion of the City and efficient, economical provision of public services and facilities. City Charter Section 51 allows Extension of Services outside the City limits only after a City Council public hearing and adoption of an ordinance approving the Extension. This Chapter contains criteria and procedures for use in considering Extension of Service requests. Services refer to City sanitary sewer, storm sewer and water services.

#### **Section 2.7.20 - PURPOSES**

Review procedures for Extension of Services have been established to:

- a. Implement City Charter Section 52;
- b. Ensure that any Extension of Services complies with the Comprehensive Plan and other applicable City standards and policies;
- c. Reaffirm the City's policy that Annexation is the principal method of urbanization; and
- d. Expedite provision of services needed to alleviate an identified Health Hazard.

#### **Section 2.7.30 - ELIGIBILITY FOR EXTENSION OF SERVICES**

City sanitary sewer, storm sewer, and water services may be extended outside the City limits only if the City Council finds that all of the following conditions exist:

- a. The property is within the City's Urban Growth Boundary;
- b. Service extension will not promote development of property in a manner inconsistent with the City's Comprehensive Plan;
- c. A Health Hazard exists on the subject property and extending City services is the most reasonable method of alleviating the Health Hazard; and
- d. The site cannot be annexed at this time, or the Annexation has been approved but has not yet taken effect.

#### **Section 2.7.40 - EXCEPTIONS TO ELIGIBILITY OF EXTENSION**

The following are the exceptions to Section 2.7.30:



shown so that the City can route the application to the appropriate state and federal agencies for comment; and

3. Archaeological sites recorded by the State Historic Preservation Office (SHPO).
- e. Site plan indicating types and intensities of existing and proposed development, Watercourses, adjoining development, and the Significant Natural Features identified in "d," above.
- f. Statement of the availability, capacity, and condition of existing water and sewer services.
- g. Statement indicating type and capacity of the proposed services and intended phasing of such services;
- h. Statement outlining the method and source of financing for proposed services;
- i. Statement from the Benton County Division of Environmental Health, the City Engineer, or the Oregon State Health Division declaring the specific nature and extent of the Health Hazard;
- j. Statement explaining why the subject property should not be annexed prior to the Extension of Services;
- k. Statement committing all service facilities required by the subject property to be built to City standards; and
- l. Brief narrative addressing compliance of the development with the Comprehensive Plan.

m. Required fees as described in LDC § 1.2.100.01.

#### **2.7.50.03 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and rescheduling of the required public hearing.

#### **2.7.50.04 - Staff Evaluation**

Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.7.50.10 - Effective Date**

The Extension of Service ordinance shall become effective 30 days after its passage by the Council and approval by the Mayor.

*[Section 2.7.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.7.60 - ENFORCEMENT**

In addition to the penalties listed in Chapter 1.3 - Enforcement, a violation of the provisions of this Chapter may result in the City terminating sewer and/or water services to the subject property.

## **CHAPTER 2.8**

### **VACATING OF PUBLIC LANDS AND PLATS**

#### **Section 2.8.10 - BACKGROUND**

Petitions to vacate all or parts of a public street, alley, easement, plat, or other public place may be granted by the City Council if determined to not be harmful to the City or adjacent properties.

#### **Section 2.8.20 - Exemptions**

Notwithstanding other provisions of this Code, exemptions from this Chapter include:

- a. The release of public easements for subsurface water, sanitary sewer, and storm drainage lines owned and operated by the City;
- b. Public Utility Easements (PUEs) for franchise utilities operating within the City's corporate limits that are no longer necessary to serve surrounding properties, as determined by the City Engineer. The City does not consider PUEs to be public places for the purposes of ORS 271, as amended. Vacating of City utility easements and PUEs may be initiated by City staff or private parties. It shall be the responsibility of the initiator to:
  - 1. Obtain a statement from all owners of property adjacent to the proposed vacating of a water, sanitary sewer, or storm drainage easement, verifying that they have been notified and do not oppose it;
  - 2. Obtain a statement from all franchise utilities licensed by the City verifying that they have been notified of the proposed vacating of the PUE and do not oppose it;
  - 3. Provide a completed easement release form for signature by the City Manager; and
  - 4. Record the easement release and provide the City a copy of the recorded document.

#### **Section 2.8.30 - PURPOSES**

The procedures and review criteria established in this Chapter are used for vacating public lands and plats for the following purposes:



- b) Land extending a distance of 400 ft. from the end of the area to be vacated up.
3. When vacating part or all of a plat, consent of the owners of at least two-thirds of the land included in the proposed Vacation is required. An exception to this provision shall occur where the Vacation includes a street, in which case the requirements in "2," above, apply.

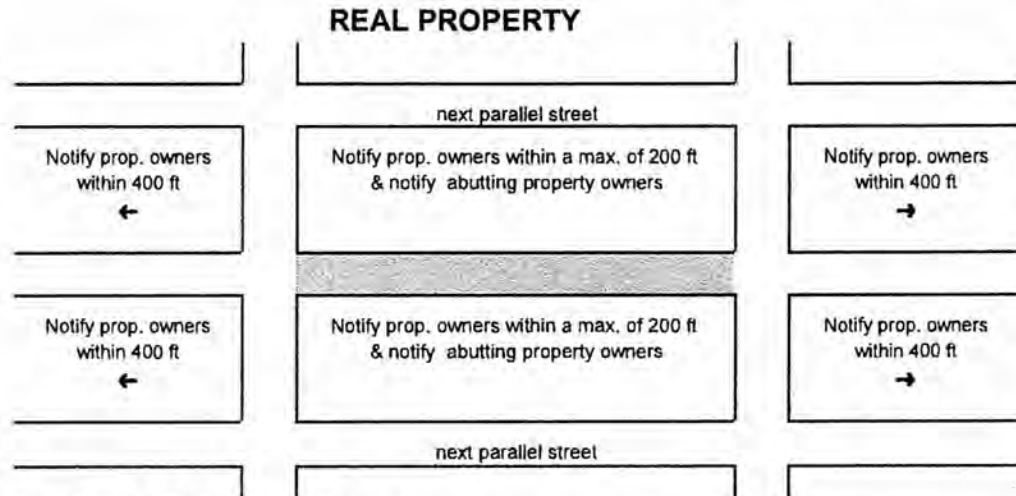


Figure 2.8-1 - Real Property

- c. Consent of the affected property owners shall be submitted in writing, notarized, and duly acknowledged by the Director prior to scheduling of a public hearing for the requested Vacation.
- d. At the discretion of the City Engineer, the applicant may be required to remove or abandon utility connections prior to final approval.

e. Required fees as described in LDC § 1.2.100.01.

#### **2.8.40.03 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings and ORS 271, as amended. After accepting a completed application, the Director shall schedule a public hearing to be held by the City Council.
- b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a

the City Council directs a method by which the City provides for paying damages. Provisions for paying such damages may be made by a local assessment or in another manner as provided by the City charter. Two or more streets, alleys, avenues, and boulevards, or parts thereof, may be addressed in one proceeding provided they intersect or are adjacent and parallel to each other.

#### **2.8.40.08 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings. The Notice of Disposition shall include a written statement of the City Council's decision, reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice of Disposition shall also be mailed to all persons who presented oral or written testimony at the public hearing.

#### **2.8.40.09 - Effective Date**

The effective date of the vacating shall be the effective date in the signed ordinance vacating the property.

#### **2.8.40.10 - Existing Service Connections**

If the City Engineer determines that existing public utilities or service connections are not required for the proposed vacated land, they shall be removed prior to final action by the City Council.

*[Section 2.8.40 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.8.50 - VACATION RECORDS TO BE FILED**

The City shall file with the City Recorder a certified copy of the ordinance and any other legally required document vacating any street or plat. The applicant shall bear the cost of recording, preparing, and filing the certified copy of the ordinance and map. The City shall then file with the County Assessor and County Surveyor a certified copy of the ordinance.

## **CHAPTER 2.10 MAJOR NEIGHBORHOOD CENTER MASTER SITE PLAN REQUIREMENTS**

### **Section 2.10.10 - BACKGROUND**

As the core of a comprehensive neighborhood and as a site serving community-wide shopping and office needs, a Major Neighborhood Center is envisioned to encompass several acres of land and contain relatively intense commercial and residential development. Development of a new Major Neighborhood Center, and particularly major redevelopment of an existing Major Neighborhood Center, may ultimately involve multiple property owners and businesses that become involved in the development of the Center at different times. Consequently, the coordinated planning and development of a Major Neighborhood Center is important not only to the neighborhood, but also to a broader area.

The Master Site Plan review process is established to provide the mechanism for achieving compatibility between Uses and the surrounding area, as well as to facilitate future developments and redevelopment consistent with established requirements. The procedures of this Chapter are applicable when a property owner requests a Master Site Plan review prior to and/or concurrent with review of a specific project within a Major Neighborhood Center. Upon Planning Commission approval of the Master Site Plan, Building Permits may be issued consistent with that Plan.

### **Section 2.10.20 - PURPOSES OF MASTER SITE PLAN**

Master Site Plan review procedures are established in this Chapter for the following purposes:

- a. Ensure that the requirements of the Neighborhood Center Zone are implemented and coordinated with respect to Major Neighborhood Centers;
- b. Establish a logical framework for development on the applicant's property(ies);
- c. Promote compatibility with surrounding land uses by identifying the relationships of proposed and future development with existing surrounding development and open spaces;
- d. Promote the efficient use of land and energy;



- c) Gross residential densities per acre. A proposed range with a 10 percent difference is permissible;
  - d) Gross square footage of floor areas for nonresidential and residential construction. A proposed range with a 10 percent difference is permissible;
  - e) Floor Area Ratio(s). A proposed range with a 10 percent difference is permissible;
  - f) Proposed Green Areas to structure footprint ratios. A proposed range with a 10 percent difference is permissible. For a definition of Green Area, refer to Chapter 1.6 - Definitions; and
  - g) Number of parking spaces provided and any parking agreements with neighboring properties. A proposed range with a 10 percent difference is permissible.;
- 5. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. See Section 4.0.60.a; and
  - 6. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA ), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.

h. Required fees as described in LDC § 1.2.100.01.

**2.10.40.02 - Acceptance of Application and Staff Evaluation**

- a. The application shall be accepted and evaluated by City staff in accordance with the procedures identified in Sections 2.3.30.02 and 2.3.30.03 of Chapter 2.3 - Conditional Development, and with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

~~b. Master Site Plan approval shall also expire if the applicant has not, within five years of the completion of a phase of a phased development:~~

~~1. Installed and/or bonded for all public improvements related to the next phase of the project; or~~

~~2. Applied for and received foundation permits for at least one building approved as part of the next phase of the project.~~

~~c. At its discretion and without a public hearing, the Planning Commission may extend the approval once for a period not to exceed two additional years.~~

#### **2.10.40.06 - Review Criteria for Determining Compliance with an Approved Master Site Plan**

a. An approval of a Master Site Plan shall apply only to the property(ies) included in the application. Development or major redevelopment on other properties adjacent to the subject properties and within the same Neighborhood Center Zone are also subject to the requirement for submittal of a Master Site Plan. Consistency between one property and another must be demonstrated through the submitted materials, review criteria, and conditions of approval.

b. A site development permit request shall be reviewed to determine whether the request is in compliance with the approved Master Site Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.10.40.03, does not involve modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Master Site Plan approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Master Site Plan.

*[Section 2.10.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.10.50 - MASTER SITE PLAN MODIFICATION**

This Section identifies the processes by which an approved Master Site Plan may be modified. In general, such plans may be modified in two ways, depending upon the degree of modification proposed. These include the Minor and Major Master Site Plan Modification processes described below.

## **CHAPTER 2.11 FLOODPLAIN DEVELOPMENT PERMIT**

### **Section 2.11.10 - BACKGROUND**

To participate in the National Flood Insurance Program (NFIP), a community must adopt and enforce a Floodplain management ordinance that regulates Development in the Floodplain. This Floodplain management ordinance is housed primarily in Chapter 4.5 - Floodplain Provisions, but is in part addressed in other chapters of this Code. One of the basic Federal requirements for regulating Development in the Floodplain is a requirement for a Floodplain Development Permit before construction or other Development begins within any Special Flood Hazard Area (100-yr. Floodplain). In this context, the term "Development" is defined in Section 1.6.40 of Chapter 1.6 - Definitions. This chapter contains provisions for the Federally required Floodplain Development Permit and is consistent with the National Flood Insurance Program (NFIP) regulations.

### **Section 2.11.20 - PURPOSES**

Procedures and standards for the review of Floodplain Development Permits are established in this Chapter for the following purposes:

- a. Protect human life, health and property;
- b. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in Floodplains;
- c. Help maintain a stable tax base by providing for the sound use and Development of flood-prone areas;
- d. Minimize expenditure of public money for costly flood control projects;
- e. Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;
- f. Minimize unnecessary disruption of commerce, access and public service during times of flood;
- g. Facilitate the notification of potential buyers that property is in an Special Flood Hazard Area;



4. Allowing a lesser degree of floodproofing than watertight or dry-floodproofing for nonresidential buildings in very limited circumstances, where it can be determined that such action will have low damage potential and otherwise comply with Building Codes.
- b. Variance requests that exceed the limited scope described above in "a," above, shall be made through the Planned Development process in Chapter 2.5 - Planned Development.

#### **2.11.60.02 - Variance Application Requirements**

When the Floodplain Administrator or designee deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

An application for a Floodplain Development Permit Variance shall include:

- a. The items listed above in Sections 2.11.50.01 and an application submittal fee equal to that of a Major Lot Development Option application submittal fee;
- b. Narrative explaining the basis for the Variance request and how the request still meets the purposes in Section 2.11.20 and 4.5.10; and
- c. Other narrative and technical information sufficient to demonstrate compliance with the review criteria in Section 2.11.60.06. The applicant shall also provide narrative and technical information sufficient to demonstrate compliance with the review criteria in Section 2.11.50.04 which can still be met, despite the Floodplain Development Permit Variance request.

d. Required fees as described in LDC § 1.2.100.01.

#### **2.11.60.03 - Acceptance of Variance Application**

An application for a Floodplain Development Permit Variance shall be accepted and reviewed in accordance with the procedures in Section 2.12.30.02.b, except that public notice distance shall be in accordance with Section 2.11.60.04, below.

#### **2.11.60.04 - Public Notice for a Variance Application**

The public notice for a Floodplain Development Permit Variance shall be issued in accordance with the provisions in Section 2.0.50.04, except that the public notice distance shall be 300 ft., as required for the land use applications in Section 2.0.50.04.c.2.

## **CHAPTER 2.12**

### **LOT DEVELOPMENT OPTION**

#### **Section 2.12.10 - BACKGROUND**

A Lot Development Option provides a means to obtain, within specified thresholds, variations from some clearly measurable, numerically quantifiable development standards. The Lot Development Option exists for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot or parcel, prevent better preservation of Significant Natural Features, and/or prevent innovation in site planning and architectural design. A typical example is permitting a structure to be located closer to a property boundary than normally allowed by the zone regulations.

A Lot Development Option applies only to existing individual lots or parcels or to individual lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land Partition process. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined in this Chapter need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

Unless otherwise stated in the following chapters, the Lot Development Option process shall not be used to vary from the minimum and maximum density specified in each zone, standards in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Requests for variations to the requirements in Chapter 4.0 – Improvements Required with Development shall be processed as a Major Lot Development Option.

[Section 2.12.10 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 2.12.20 - PURPOSES**

Procedures and standards for the review of Lot Development Options are established in this Chapter for the following purposes:

- a. Permit efficient use of land;
- b. Provide flexibility and innovation in site planning and architectural design on individual lots;

sheet title, date, north arrow, and legend placed in the same location on each sheet and show:

1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
  2. Identification of all requested variations;
  3. Lot line dimensions;
  4. Existing and proposed structures;
  5. Structures on adjacent property(ies) affected by the request;
  6. Vehicle and pedestrian access points and accessways;
  7. Drainageways and any other prominent features;
  8. Location of trees and shrubs over three ft. in height;
  9. Fences and walls;
  10. Off-street parking facilities;
  11. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable; and
  12. Any other information relevant to the proposal.
- e. Documentation that the lot(s) and/or parcel(s) under consideration fall within the thresholds identified in Section 2.12.30.03, below.
- f. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- g. Required fees as described in LDC § 1.2.100.01.



1. Meets "c" - "e," below;
  2. Exceeds the thresholds of a Minor Lot Development Option in "h," below; and
  3. Falls within the thresholds in "i," below.
- c. Unless otherwise stated in the following chapters, the Minor and Major Lot Development Option processes shall not be used to vary from the minimum and maximum density specified in each zone, standards in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
- d. Minor and Major Lot Development Option requests shall apply only to existing individual lots or parcels or to individual lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land Partition process. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined in this Chapter need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.
- e. Whether a Lot Development Option request is Minor or Major, no more than a total of three variations may occur within a two-year period on the subject property(ies) and its parent recorded Partition, Replat, or Subdivision plat (the development-wide provision applies only to plats recorded after January 1, 2000). If a single lot is involved, variations of up to three different development standards may occur. If a development site includes plans for multiple lots through a Minor Land Partition or Tentative Subdivision Plat, and multiple variations are needed, up to three lots may be involved in variations from the same development standard or different development standards.
- f. Variations exceeding the thresholds described in "a" and "b," above, shall be sought through the Planned Development process described in Chapter 2.5 - Planned Development.
- g. Variations to Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option, except for variations allowed per LDC Section 4.0.60.o., which shall be processed as a Minor Lot Development Option.

#### **2.12.30.04 - Public Notice**

- a. Minor Lot Development Option** - Public Notice for a Minor Lot Development Option shall be consistent with "1," "2," and "3," below.

1. The Director shall notify by mail affected parties that an application for a Lot Development Option has been filed.
2. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
3. The notice shall state that all comments concerning the proposed Lot Development Option must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
  - a) Street address or other easily understood geographical reference to the subject property;
  - b) Applicable criteria for the decision;
  - c) Place, date, and time comments are due;
  - d) Statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
  - e) Name and phone number of staff contact person;
  - f) Statement that a Notice of Disposition shall be provided to the applicant and any person who submits written comments;
  - g) An explanation of appeal rights; and
  - h) A summary of the local decision making process.

- b. Major Lot Development Option** - Public Notice for a Major Lot Development Option shall be provided consistent with Section 2.0.50.04.b.

decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.12.30.09 - Appeals**

- a. **Minor Lot Development Option** - The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.
- b. **Major Lot Development Option** - The decision of the Land Development Hearings Board may be appealed in accordance with Chapter 2.19 - Appeals.

#### **2.12.30.10 - Effective Date**

- a. **Minor Lot Development Option** - Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the notice of disposition is signed.
- b. **Major Lot Development Option** - Unless an appeal has been filed, the decision of the hearing authority shall become effective 12 days after the notice of disposition is signed.

#### **2.12.30.11 - Effective Period of Approval**

- a. **Minor Lot Development Option** - ~~Both Minor and Major~~ Lot Development Option approvals shall be effective for a two-year period from the date of approval. If the applicant has not begun the development or its phases within the two-year period, the approval shall expire.
- b. **Major Lot Development Option** (underlined) - Major Lot Development Option approvals shall be effective for a four-year period from the date of approval. If the applicant has not begun the development or its phases within the four-year period, the approval shall expire.

[Section 2.12.30 amended by Ordinance 2012-00x, effective December X, 2012]



## **CHAPTER 2.13 PLAN COMPATIBILITY REVIEW**

### **Section 2.13.10 - BACKGROUND**

Each zone is intended for a predominant type of land use. Certain other Uses are permitted, but the intensity and characteristics of those Uses require review to ensure their compatibility with the site and with nearby land uses. For example, any of the following may indicate the need for an individual review of the circumstances of development:

- a. Building's size in relation to other buildings in the area;
- b. Residential, commercial, or industrial aspects of a proposed development;
- c. Character of surrounding development;
- d. Traffic capacity of adjacent streets; and
- e. Potential environmental effects.

Uses requiring Plan Compatibility Review are specified for each zone. For such Uses, Plan Compatibility Review is required before a Building Permit can be issued.

### **Section 2.13.20 - PURPOSES**

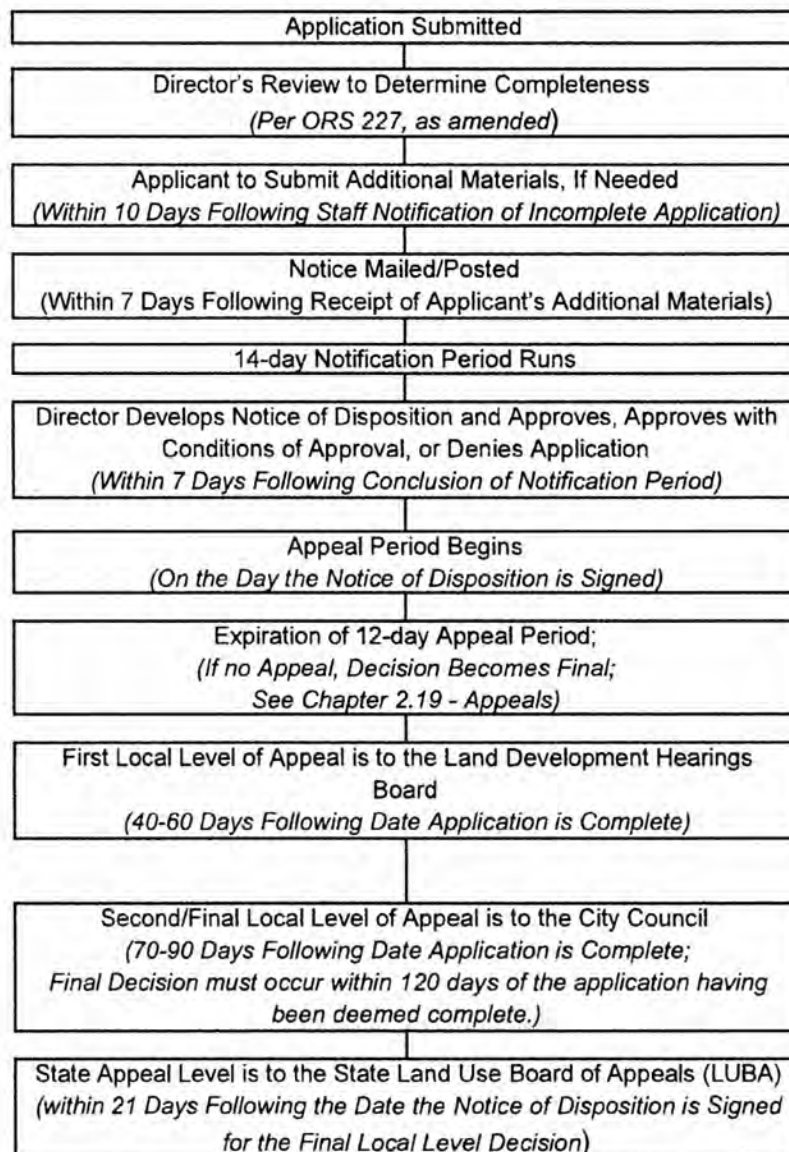
Procedures and review criteria for Plan Compatibility Review are established for the following purposes:

- a. Encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscaping design;
- b. Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers; preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses;
- c. Preserve the City's natural beauty and the quality of its visual character by ensuring proposed structures or improvements are compatible with the terrain and existing development; by preventing unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper

electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable.

I. Required fees as described in LDC § 1.2.100.01.

**Figure 2.13-1**  
**Typical Time Frame for Plan Compatibility Review**  
(Total length of time per ORS 227, as amended)



approve, conditionally approve, or deny the application after the completion of the 14-day comment period.

#### **2.13.30.07 - Revisions of Proposed Plan**

Any revisions of a proposed plan shall be made prior to Building Permit approval.

#### **2.13.30.08 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition that includes a written statement of the decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice of Disposition shall also be mailed to persons who provided written comment on the mailed notice. The Notice and all applicable information shall be available in the Development Services Division of the Community Development Department.

#### **2.13.30.09 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.13.30.10 - Effective Date**

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the Notice of Disposition is signed.

#### **2.13.30.11 - Effective Period of Approval**

Plan Compatibility Review approval shall be effective for a two-year period from date of approval. If the applicant has not begun the development within the two-year period, the approval shall expire.

*[Section 2.13.30 amended by Ordinance 2012-00x, effective December X, 2012]*



## **CHAPTER 2.14**

### **PARTITIONS, MINOR REPLATS, AND PROPERTY LINE ADJUSTMENTS**

#### **Section 2.14.10 - BACKGROUND**

The division of land through a Subdivision process is addressed in Chapter 2.4 - Subdivisions and Major Replats. A Subdivision occurs where four or more lots are created in a calendar year, and requires review and approval as specified in Chapter 2.4 - Subdivisions and Major Replats. The division of land through an Expedited Land Division process is addressed in Chapter 2.5 - Planned Development. An Expedited Land Division occurs where four or more lots are created in a calendar year on a site with an approved Detailed Development Plan.

This Chapter provides procedural requirements for Residential and Nonresidential Partitions, which involve creation of three or fewer lots in a calendar year, and for Minor Replats and Property Line Adjustments. For the purposes of this Chapter, Residential Partitions, Minor Replats, and Property Line Adjustments are those involving lands with a Zoning Designation of RS-1, RS-3.5, RS-5, ~~RS-6~~, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Partitions, Minor Replats, and Property Line Adjustments are those with a Zoning Designation other than those for Residential Partitions, Minor Replats, and Property Line Adjustments. Except on appeal, each of these is reviewed through a General Development process without a public hearing. As with Subdivisions, Partitions, Minor Replats, and Property Line Adjustments are subject to design requirements contained in Article IV of this Code.

#### **Section 2.14.20 - PURPOSES**

Land Division procedures are established in this Chapter for the following purposes:

- a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
- b. Minimize negative effects of development upon the natural environment and incorporate Significant Natural Features into the proposed development where possible;
- c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;

standards that would be required for a project consisting of the completed phases. The Partition and each phase must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.

- b) Explanation of how the proposal complies with the review criteria in Section 2.14.30.05; and

15. Traffic Impact Study -

- a) Nonresidential Partitions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.
- b) Residential Partitions - A Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that LOS D will be maintained for 20 years.

- 16. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.

e. Required fees as described in LDC § 1.2.100.01.

Disposition and all applicable information shall be available in the Development Services Division of the Community Development Department.

#### **2.14.30.08 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.14.30.09 - Effective Date**

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the Notice of Disposition is signed.

#### **2.14.30.10 - Effective Period of Tentative Partition Plat Approval**

Approval of a Tentative Partition Plat shall be valid for ~~one~~two-year period from the effective approval date. ~~Upon request, the Director may approve a single one-year extension to the approval.~~

*[Section 2.14.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.14.40 - FINAL PLAT REVIEW PROCEDURES**

#### **2.14.40.01 - Application Requirements**

- a. The Final Partition Plat shall conform to the approved Tentative Partition Plat, as defined in Chapter 4.4 - Land Division Standards, and any Conditions of Approval.
- b. An Oregon licensed land surveyor shall prepare the Final Partition Plat in accordance with ORS Chapters 92 and 209, as amended, and in conformance with the Final Partition Plat standards established by the County Surveyor.
- c. An Oregon-licensed land surveyor shall survey and place monuments on the parcels. All monuments on the exterior boundary and all parcel corner monuments for a partition shall be placed before the partition is offered for recording.
- d. The Final Plat shall include or be accompanied by:



- b. Public assessments, liens, and fees with respect to the partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the City Council;
- c. The City Engineer has reviewed a signed and notarized deed for any areas dedicated to the City prior to the Partition Plat's final signing; and
- d. The Partition Plat has been signed by the Director and City Engineer.

Approval does not relieve the applicant from other applicable provisions of this Code or from the Oregon Revised Statutes.

#### **2.14.40.04 - Recording of Final Plat**

When all required signatures have been obtained on the Final Partition Plat, the Director shall record the Plat and any required covenants with the County Recorder.

#### **2.14.40.05 - Effective Date**

Authorization of the Final Partition Plat shall become effective when the Plat is recorded by the Director.

#### **2.14.40.06 - Notice of Recording**

After the Final Partition Plat is recorded, the Director shall notify the applicant of the recording.

### **Section 2.14.50 - MINOR REPLAT PROCEDURES**

- a. An application for a Minor Replat shall be administered in accordance with the Tentative Partition Plat review procedures in Section 2.14.30.
- b. A Final Minor Replat shall be prepared by an Oregon-licensed surveyor in accordance with Section 2.440 in Chapter 2.4 -Subdivision and Major Replats, with the exception that the Final Replat shall be signed by the Director instead of the Planning Commission Chair.

### **Section 2.14.60 - PROPERTY LINE ADJUSTMENT PROCEDURES**

A Property Line Adjustment affects the configuration of existing legally described property ownership boundaries. A Property Line Adjustment will not, by itself, effect changes to the configuration of tax lot boundaries or legally described lot and parcel boundaries created through a Partition or Subdivision plat.

- a. An application for a Property Line Adjustment shall be administered in accordance with the Tentative Partition Plat review procedures in Section 2.14.30, with the exception that the application shall be exempt from public notice provisions in Section 2.14.30.03 and the review criteria in Section 2.14.30.05;
- b. A Property Line Adjustment shall be approved if the following criteria have been met:
  - 1. The Property Line Adjustment shall not result in creation of an additional unit of land;
  - 2. Any unit of land reduced in size by the Property Line Adjustment shall comply with all applicable zoning regulations;
  - 3. The Property Line Adjustment shall not increase the degree of nonconformity that may exist on the subject lots; and
  - 4. The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment;
- c. For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5- Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, the Property Line Adjustment shall not adjust properties unless each resultant property contains an area unconstrained by Natural Resources or Natural Hazards and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:
  - 1. Properties with public park purposes; and
  - 2. Privately- or publicly-owned properties completely contained within an area zoned Conservation - Open Space.
- d. Property Line Adjustments may not create new tracts. Where such tracts are proposed and/or required by this Code, a Land Division is required; and
- e. Approvals shall be subject to the following minimum Conditions of Approval:
  - 1. Deeds based on a metes and bounds legal description for all adjusted ~~lots~~ properties, from the Property Line Adjustment, shall be recorded with the Benton County Recorder's Office;

2. A Certified Boundary Survey map that reflects the approved Property Line Adjustment shall be reviewed by the City and signed by the Director and the City Engineer; The map shall then be filed with the County Recorder Surveyor; and
3. Copies of the recorded deeds and filed survey map shall be provided to the City following recording.

*[Section 2.14.60 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.14.70 - MAJOR REPLATS**

An application for a Major Replat shall be reviewed and processed in accordance with Chapter 2.4 - Subdivisions and Major Replats.

#### **Section 2.14.80 - VACATING PLATS**

An application for vacating a plat shall be reviewed and processed in accordance with Chapter 2.8 - Vacating of Public Lands and Plats, and with OR S Chapter 271.080, as amended.



## **CHAPTER 2.16**

### **REQUEST FOR INTERPRETATION**

#### **Section 2.16.10 - BACKGROUND**

Property owners and developers often seek interpretations of this Code or Comprehensive Plan from the Director or other City staff. These Interpretations may be legislative in that they apply to a large geographic area, such as all properties within a given zone, or they may be quasi-judicial, such as Interpretations that apply to a specific site or area. Through the processes identified in this Chapter, an applicant can obtain an official written Interpretation from the City.

#### **Section 2.16.20 - PURPOSES**

Requests for Interpretation may be made for the following purposes:

- a. Ensure uniformity of interpretations of this Code and the Comprehensive Plan through a formal process; and
- b. Provide an opportunity to appeal staff Interpretations while protecting owners, users, or developers of property from appeals that might otherwise be filed after an unreasonable delay.

#### **Section 2.16.30 - PROCEDURES**

A Request for an Interpretation of this Code or the Comprehensive Plan shall be reviewed in accordance with the following procedures.

##### **2.16.30.01 - Application Requirements**

Any person may file a Request for Interpretation. Requests shall be in writing. The form of the Request for Interpretation shall be as specified by the Director. Fees shall be provided as described in LDC § 1.2.100.01.

##### **2.16.30.02 - Acceptance of Application**

- a. Per ORS 227, the Director shall review a Request for Interpretation to verify that the request meets the requirements specified above. If a Request for Interpretation does not meet those requirements, the applicant shall be notified and given the opportunity to correct the deficiency. The Director may consult with the City Attorney to determine whether the request is legislative

## **CHAPTER 2.18**

### **SOLAR ACCESS PERMITS**

#### **Section 2.18.10 - BACKGROUND**

Solar energy can make a significant long-term contribution to the City's energy supply. Use of solar energy can be encouraged by providing for and protecting the Solar Access of property owners. A Type 1 Solar Access Permit restricts shading of a solar collector by trees. A Type 2 Solar Access Permit includes protection provided by a Type 1 Permit in addition to protection and remedies to restrict shading of a solar collector by structures.

#### **Section 2.18.20 - PURPOSES**

This Chapter provides permit procedures to accomplish the following:

- a. Identify a process to protect Solar Access to support the use of a solar collector; and
- b. Specify conditions under which Solar Access Permits are authorized.

#### **Section 2.18.30 - LIMITS ON SOLAR PERMITS**

A Solar Access Permit shall not affect:

- a. A lot or portion thereof more than 150 ft. south of the solar collector location;
- b. A lot located on a slope grade of 20 percent or more and facing within 45 degrees of true north;
- c. Any lot located in the Central Business (CB) Zone;
- d. Any tree or structure on a neighboring lot existing at the time the Solar Access Permit application is accepted;
- e. New structures that shade the solar collector unless a Type 2 Solar Access Permit has been previously approved and recorded;
- f. Proposed new structures resulting in shading of a Type 2 solar collector between 9 a.m. and 3 p.m. on November 21 in an amount that does not exceed the shading that would be caused by a flat-roofed structure half the allowed building height at the minimum setbacks for the zone; and

- g. Any new tree approved in the Solar Access Permit as a solar-access-friendly tree and listed by location and species consistent with Section 2.18.40.06.f, below.

## **Section 2.18.40 - PROCEDURES**

An application for a Solar Access Permit shall comply with the following.

### **2.18.40.01- Application Requirements for Type 1 Solar Access Permit**

An application for a Type 1 Permit shall include:

- a. A statement of the solar heating hours for which Solar Access is sought;
- b. Scaled drawing of the solar collector and its dimensions, height above ground level, orientation, and slope from the horizontal;
- c. Sunchart for the proposed location of the solar collector, as measured from the center of the lower edge of the collector site and, if applicable, alternative locations for the solar collector. If the solar collector is more than 20 ft. in length, a sunchart photograph shall also be provided from each end of the collector;
- d. Site plan showing lot lines and dimensions of the solar user's lot and neighboring lots that will be affected by the Solar Access Permit. The site plan shall indicate topography using two- or five-ft. contour intervals, and the location of the solar collector, structures, and trees. The site plan information shall indicate tree species;
- e. Documentation showing that the solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a six ft.-high fence located on the applicant's lot lines;
- f. Documentation showing that no reasonable alternative location exists for the solar collector that would result in fewer restrictions on a neighboring lot;
- g. Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the solar collector that would result in fewer restrictions on a neighboring lot;
- h. A list by owner of record and address for all affected lots, together with an identification by lot of exempt structures and vegetation as defined in Section 2.18.30 - Limits on Solar Permits; and



- i. Proposed solar envelopes for affected properties and, if applicable, proposed solar-access-friendly trees permitted to grow so as to only partly obstruct the Solar Access.
- j. Required fees as described in LDC § 1.2.100.01.

#### **2.18.40.02 - Application Requirements for Type 2 Solar Access Permit**

An application for a Type 2 Permit shall include information required in Section 2.18.40.01, above, in addition to the following:

- a. Evidence that minimum setbacks and allowable building heights for the zone do not ensure Solar Access protection; and
- b. Proposed solar envelopes prescribing allowed building heights for affected properties.

#### **2.18.40.03 - Acceptance of Application**

- a. The Director shall review the SolarAccess Permit application for compliance with the application requirements in Section 2.18.40.01 or Section 2.18.40.02, whichever is applicable. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.
- b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

#### **2.18.40.04 - Public Notice**

- a. The Director shall notify affected parties that an application for a Solar Access Permit has been filed.
- b. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

## **CHAPTER 2.18**

### **SOLAR ACCESS PERMITS**

#### **Section 2.18.10 - BACKGROUND**

Solar energy can make a significant long-term contribution to the City's energy supply. Use of solar energy can be encouraged by providing for and protecting the Solar Access of property owners. A Type 1 Solar Access Permit restricts shading of a solar collector by trees. A Type 2 Solar Access Permit includes protection provided by a Type 1 Permit in addition to protection and remedies to restrict shading of a solar collector by structures.

#### **Section 2.18.20 - PURPOSES**

This Chapter provides permit procedures to accomplish the following:

- a. Identify a process to protect Solar Access to support the use of a solar collector; and
- b. Specify conditions under which Solar Access Permits are authorized.

#### **Section 2.18.30 - LIMITS ON SOLAR PERMITS**

A Solar Access Permit shall not affect:

- a. A lot or portion thereof more than 150 ft. south of the solar collector location;
- b. A lot located on a slope grade of 20 percent or more and facing within 45 degrees of true north;
- c. Any lot located in the Central Business (CB) Zone;
- d. Any tree or structure on a neighboring lot existing at the time the Solar Access Permit application is accepted;
- e. New structures that shade the solar collector unless a Type 2 Solar Access Permit has been previously approved and recorded;
- f. Proposed new structures resulting in shading of a Type 2 solar collector between 9 a.m. and 3 p.m. on November 21 in an amount that does not exceed the shading that would be caused by a flat-roofed structure half the allowed building height at the minimum setbacks for the zone; and

- g. Any new tree approved in the Solar Access Permit as a solar-access-friendly tree and listed by location and species consistent with Section 2.18.40.06.f, below.

## **Section 2.18.40 - PROCEDURES**

An application for a Solar Access Permit shall comply with the following.

### **2.18.40.01- Application Requirements for Type 1 Solar Access Permit**

An application for a Type 1 Permit shall include:

- a. A statement of the solar heating hours for which Solar Access is sought;
- b. Scaled drawing of the solar collector and its dimensions, height above ground level, orientation, and slope from the horizontal;
- c. Sunchart for the proposed location of the solar collector, as measured from the center of the lower edge of the collector site and, if applicable, alternative locations for the solar collector. If the solar collector is more than 20 ft. in length, a sunchart photograph shall also be provided from each end of the collector;
- d. Site plan showing lot lines and dimensions of the solar user's lot and neighboring lots that will be affected by the Solar Access Permit. The site plan shall indicate topography using two- or five-ft. contour intervals, and the location of the solar collector, structures, and trees. The site plan information shall indicate tree species;
- e. Documentation showing that the solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a six ft.-high fence located on the applicant's lot lines;
- f. Documentation showing that no reasonable alternative location exists for the solar collector that would result in fewer restrictions on a neighboring lot;
- g. Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the solar collector that would result in fewer restrictions on a neighboring lot;
- h. A list by owner of record and address for all affected lots, together with an identification by lot of exempt structures and vegetation as defined in Section 2.18.30 - Limits on Solar Permits; and



- i. Proposed solar envelopes for affected properties and, if applicable, proposed solar-access-friendly trees permitted to grow so as to only partly obstruct the Solar Access.
- j. Required fees as described in LDC § 1.2.100.01.

#### **2.18.40.02 - Application Requirements for Type 2 Solar Access Permit**

An application for a Type 2 Permit shall include information required in Section 2.18.40.01, above, in addition to the following:

- a. Evidence that minimum setbacks and allowable building heights for the zone do not ensure Solar Access protection; and
- b. Proposed solar envelopes prescribing allowed building heights for affected properties.

#### **2.18.40.03 - Acceptance of Application**

- a. The Director shall review the SolarAccess Permit application for compliance with the application requirements in Section 2.18.40.01 or Section 2.18.40.02, whichever is applicable. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.
- b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

#### **2.18.40.04 - Public Notice**

- a. The Director shall notify affected parties that an application for a Solar Access Permit has been filed.
- b. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

## **CHAPTER 3.2**

### **LOW DENSITY (RS-5) ZONE**

#### **Section 3.2.10 - PURPOSE**

This zone implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-5 Zone is retained to provide land use and development standards for areas of the City that were zoned RS-5 and platted to urban densities as of December 31, 2006. Additionally, the RS-5 Zone is retained for areas of the City that were zoned RS-5 as of December 31, 2006, and are less than or equal to one acre in size.

The RS-5 Zone also applies to single-family residential areas greater than one acre in size and that were zoned RS-3.5 at the time of adoption of this Code. The RS-5 Zone is intended to provide opportunities for a broader range of lot sizes and Housing Types, consistent with Comprehensive Plan policies that support comprehensive neighborhoods and affordable housing.

#### **Section 3.2.20 - PERMITTED USES**

##### **3.2.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright**

1. Residential Use Types - Family
2. Residential Building Types -
  - a) Single Detached
  - b) Single Detached - Zero Lot Line
  - c) Single Attached - Zero Lot Line, two units
  - d) Attached - Townhouse, three units
  - e) Duplex
  - f) Multi-dwelling - Triplex only

- I. Religious Assembly
- m. Residential Care Facilities
- n. Schools

### 3.2.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.2.20 amended by Ordinance 2012-00x, effective December X, 2012]*

### Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS

**Table 3.2-1**

	Standard
a. Minimum Density	2 units per acre for existing platted lots as of December 31, 2006; however, all new Residential Subdivisions and Planned Developments in this zone shall achieve a minimum density of 3 units per dwelling acre.
b. Maximum Density	6 units per acre
c. Minimum Lot Area	
1. Single Detached and Attached ( <del>one unit only</del> )	6,000 sq. ft. <del>4</del> 8,000 sq. ft. <u>per unit</u>
2. <del>Single Detached and Attached (multiple units) and all other residential building type configurations Duplex (or other configuration of building types resulting in two units)</del>	<del>12,000 sq. ft.</del>
<del>3. Triplex (or other configuration of building types resulting in three units)</del>	



	Standard
p. Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 – Riparian Corridor and Wetland Provisions.
q. Landscaping	See Section 3.2.40, below, and Chapter 4.2 – Landscaping, Buffering, Screening, and Lighting.
r. Required Green Area and Private Outdoor Space	See Section 3.2.40, below.
s. Landslide Hazards and Hillside	See Chapter 4.14 – Landslide Hazard and Hillside Development Provisions.

*[Section 3.2.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.2.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.2.35 added by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.2.40 - GREEN AREA REQUIREMENTS**

- a. A minimum of 50 percent of the gross lot area, and a minimum of 30 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c. Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for

## **CHAPTER 3.3 LOW DENSITY (RS-6) ZONE**

### **Section 3.3.10 - PURPOSE**

This is the primary zone that implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-6 Zone is intended to accommodate a broad range of lot sizes and varied Housing Types within the established density range. This variety is consistent with Comprehensive Plan policies that support comprehensive neighborhoods and affordable housing.

The RS-6 Zone also permits smaller lots than generally allowed in the RS-3.5 and RS-5 zones, and encourages greater efficiencies in the provision of streets, utilities, and usable Green Area.

The RS-6 Zone shall be applied to all lands zoned RS-6 as of the adoption of this Code. Additionally, the RS-6 Zone applies to single-family residential areas that are unplatted, greater than one acre in size, and that were zoned RS-5 at the time of adoption of this Code. With the exception of properties indicated on the Comprehensive Plan Map as being eligible for the RS-1 (Extra-low Density) Residential Zone, all Low Density Residential lands shall be zoned RS-6 (Low Density) Residential upon their annexation.

### **Section 3.3.20 - PERMITTED USES**

#### **3.3.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright**

1. Residential Use Types -
  - a) Family
  - b) Group Residential - 12 or fewer persons
  - c) Group Residential/Group Care - 12 or fewer persons
  - d) Residential Care Facilities - 12 or fewer persons
2. Residential Building Types -
  - a) Single Detached

		Standard
<b>c.</b>	Minimum Lot Area	Developments greater than 5 acres in size in this zone shall provide a minimum of 10 percent of the residential lots within the range of 2,500 - 3,500 sq. ft. Remaining lots within the development shall achieve the minimum lot sizes listed below:
1.	Single Detached <u>(one unit only)</u>	3,500 sq. ft.
2.	Single <del>Attached</del> <u>Detached (multiple units) and all other residential building type configurations</u>	2,500 sq. ft. <u>per unit</u> <del>5,000 sq. ft.</del>
<del>3.</del>	<del>Duplex (or other configuration of building types resulting in two units)</del>	<del>7,500 sq. ft.</del>
<del>4.</del>	<del>Triplex (or other configuration of building types resulting in three units)</del>	<del>10,000 sq. ft.</del>
<del>5.</del>	<del>Fourplex (or other configuration of building types resulting in four units)</del>	
<b>d.</b>	Minimum Lot Width	
1.	Single Detached with alley access to garage	40 ft.
2.	Single Detached with street access to garage	50 ft.
3.	Single Attached	25 ft.
4.	Duplex (or other configuration of building types resulting in two units)	50 ft.
5.	Triplex (or other configuration of building types resulting in three units)	75 ft.
6.	Fourplex (or other configuration of building types resulting in four units)	100 ft.



	Standard
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.3.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.3.40, below.
<b>s.</b> Landslide Hazards and Hillside	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.3.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.3.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.3.35 added by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.3.40 - GREEN AREA REQUIREMENTS**

- a.** A minimum of 40 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots, shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for multi-dwellings,

## **CHAPTER 3.4**

### **MEDIUM DENSITY (RS-9) ZONE**

#### **Section 3.4.10 - PURPOSE**

This zone is the primary zone that implements the Medium Density Residential Comprehensive Plan designation, which allows from six to 12 dwelling units per acre. It is intended to provide areas where single detached, single attached, duplex, triplex, and fourplex units, and townhouses may be constructed under various ownership patterns. The zone provides a higher density and more intensive use of land than the Low Density Residential zones. The RS-9 Zone is intended to achieve efficiencies in provision of streets and utilities, and to encourage provision of usable Green Area.

#### **Section 3.4.20 - PERMITTED USES**

##### **3.4.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright**

##### **1. Residential Use Types -**

- a) Family
- b) Fraternities and Sororities existing prior to December 31, 2006, in accordance with Section 3.4.60 below
- c) Group Residential - 12 or fewer persons
- d) Group Residential - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.4.60 below
- e) Group Residential/Group Care - 12 or fewer persons
- f) Group Residential/Group Care - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.4.60 below
- g) Residential Care Facilities - 12 or fewer persons

##### **2. Residential Building Types -**

### 3.4.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.4.20 revised by Ordinance 2012-00x, effective December X, 2012]*

### Section 3.4.30 - RS-9 DEVELOPMENT STANDARDS

**Table 3.4-1**

	<b>Standard</b>
a. Minimum Density	6 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	12 units per acre. Applies to the creation of Land Divisions.
c. Minimum Lot Area	
1. Single Detached (one unit only)	3,500 sq. ft.
2. <del>Single Attached-Single Detached</del> (multiple units) and all other residential building type configurations	<del>2,500 sq. ft. per unit</del> 5,000 sq. ft.
3. <del>Duplex (or other configuration of building types resulting in two units)</del>	<del>7,500 sq. ft.</del>
4. <del>Triplex (or other configuration of building types resulting in three units)</del>	<del>10,000 sq. ft.</del>
5. <del>Fourplex (or other configuration of building types resulting in four units)</del>	
d. Minimum Lot Width	
1. Single Detached with alley access to garage	40 ft.
2. Single Detached with street access to garage	50 ft.
3. Single Attached	25 ft.
4. Duplex (or other configuration of building types resulting in two units)	50 ft.
5. Triplex (or other configuration of building types resulting in three units)	75 ft.
6. Fourplex (or other configuration of building types resulting in four units)	100 ft.



	Standard
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.4.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.4.40, below.
<b>s.</b> Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.4.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.4.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.4.35 added by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.4.40 - GREEN AREA REQUIREMENTS**

- a.** A minimum of 30 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.4.30 is met. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior

- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.4.50.04 - Required Off-Street Parking**

The City recognizes that Section 3.4.50 ~~generally~~ sometimes applies to ~~large~~ structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.4.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.4.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS IN NORTH CAMPUS AREA**

Group Residential and Group Residential/Group Care Use Types and Multi-dwelling Building Types established prior to December 31, 2006 are Permitted Uses and may be redeveloped. This redevelopment may occupy the same building envelope as previously existed; however, current parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements shall be met even if these requirements interfere with reestablishment of the original structure.

#### **Section 3.4.70 - REDEVELOPMENT OF EXISTING OFFICES IN NORTH CAMPUS AREA**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements, even if the parking requirements interfere with the redevelopment.

#### **Section 3.4.80 - MIX OF HOUSING TYPES**

A mix of permitted Housing Types is encouraged in the RS-9 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined

## **CHAPTER 3.5**

### **MEDIUM DENSITY - UNIVERSITY (RS-9(U)) ZONE**

#### **Section 3.5.10 - PURPOSE**

This zone implements the Medium Density Residential Comprehensive Plan designation, which allows from six to 12 dwelling units per acre. It is intended to provide areas where a variety of Building Types are permitted in close proximity to the University. This zone contains development standards and design options to help address compatibility issues associated with mixed residential uses.

#### **Section 3.5.20 - PERMITTED USES**

##### **3.5.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright**

1. Residential Use Types -
  - a) Family
  - b) Fraternities and Sororities existing prior to December 31, 2006, in accordance with Section 3.5.60 below
  - c) Group Residential - 12 or fewer persons
  - d) Group Residential - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.5.60 below
  - e) Group Residential/Group Care - 12 or fewer persons
  - f) Group Residential/Group Care - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.5.60 below
  - g) Residential Care Facilities - 12 or fewer persons
2. Residential Building Types -
  - a) Single Detached



Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.5.20 amended by Ordinance 2012-00x, effective December X, 2012]

### Section 3.5.30 - RS-9(U) DEVELOPMENT STANDARDS

Table 3.5-1

	Standard
a. Minimum Density	6 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	12 units per acre. Applies to the creation of Land Divisions.
c. Minimum Lot Area	
1. Single Detached <u>(one unit only)</u>	3,500 sq. ft.
2. <del>Single Attached Single Detached,</del> <u>(multiple units) and all other</u> <u>residential building type</u> <u>configurations</u>	2,500 sq. ft. <u>per unit</u> <del>5,000 sq. ft.</del>
<del>3. Duplex (or other configuration of</del> <del>building types resulting in two units)</del>	<del>7,500 sq. ft.</del>
<del>4. Triplex (or other configuration of</del> <del>building types resulting in three</del> <del>units)</del>	<del>10,000 sq. ft.</del>
<del>5. Fourplex (or other configuration of</del> <del>building types resulting in four units)</del>	
d. Minimum Lot Width	
1. Single Detached with alley access to garage	40 ft.
2. Single Detached with street access to garage	50 ft.
3. Single Attached	25 ft.
4. Duplex (or other configuration of building types resulting in two units)	50 ft.
5. Triplex (or other configuration of building types resulting in three units)	75 ft.
6. Fourplex (or other configuration of building types resulting in four units)	100 ft.

	Standard
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.5.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.5.40, below.
<b>s.</b> Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.5.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.5.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.5.35 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.5.40 – GREEN AREA REQUIREMENTS**

- a.** A minimum of 30 percent of the gross lot area and a minimum of 20 percent for center-unit townhouses on interior lots shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.5.30 is met. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of

conversion, the applicant shall be required to submit plans in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling with respect to major structural changes;
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.5.50.04 - Required Off-Street Parking**

The City recognizes that Section 3.5.50 ~~generally~~ sometimes applies to ~~large~~ structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.5.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.5.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS**

Group Residential and Group Residential/Group Care Use Types and Multi-dwelling Building Types established prior to December 31, 2006, are Permitted Uses and may be redeveloped. This redevelopment may occupy the same building envelope as previously existed but current parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements, shall be met.

#### **Section 3.5.70 - REDEVELOPMENT OF EXISTING OFFICES**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the



## **CHAPTER 3.6**

### **MEDIUM-HIGH DENSITY (RS-12) ZONE**

#### **Section 3.6.10 - PURPOSE**

This is the primary zone that implements the Medium-high Density Residential Comprehensive Plan designation, which allows from 12 to 20 dwelling units per acre. It is intended to accommodate a wide variety of Housing Types and to serve as a transition area between lands with lower density and higher density residential designations.

#### **Section 3.6.20 - PERMITTED USES**

##### **3.6.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright**

1. Residential Use Types -
  - a) Family
  - b) Group Residential
  - c) Group Residential/Group Care
  - d) Residential Care Facilities
  - e) Fraternities and Sororities
2. Residential Building Types -
  - a) Single Detached
  - b) Single Detached - Zero Lot Line
  - c) Single Attached - Zero Lot Line, two units
  - d) Attached - Townhouse
  - e) Duplex
  - f) Multi-dwelling

	Standard
<p><b>e. Setbacks</b></p> <p>1. Front yard</p> <p>2. Rear yard and Side yards</p> <p>Interior attached townhouses exempt from interior side yard setbacks.)</p> <p>a) Single Detached</p> <p>b) Single Attached and Zero Lot Line Detached</p> <p>c) Duplex and Multi-Dwelling</p> <p>d) Abutting a more restrictive zone</p> <p>3. <del>Corner Lot</del> <u>Exterior Side Yard and Rear Yard abutting a Street</u></p> <p>See also "k," and "l," below.</p>	<p>10 ft. minimum; 25 ft. maximum</p> <p>Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.</p> <p>5 ft. minimum <del>and each lot must have a minimum 45-ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.</p> <p>5 ft. minimum each side yard</p> <p>0 ft. one side; 8 ft. minimum on opposite side<sup>1</sup></p> <p>10 ft. minimum each side</p> <p>10 ft. minimum</p> <p>10 ft. minimum <del>on side abutting the street; and</del> <u>vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</u></p>
<p><b>f. Minimum Garage/Carport Setbacks</b></p> <p>1. Garage/carport entrance facing/parallel to the street</p> <p>2. Garage/carport entrance sideways/perpendicular to street</p> <p>See also "k," and "l," below.</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

	Standard
<p>g. Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
h. Maximum Structure Height	35 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access
i. Maximum Lot/Site Coverage	<p>70 percent of lot area maximum; interior attached townhouses exempt from this provision.</p> <p>Green area is calculated per lot.</p>
j. Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements
k. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within <del>any</del> required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area,</del> but within five to 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area,</del> but greater than 10 ft. from a property line, such equipment requires no screening.</p>
l. Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m. Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n. Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.



	<b>Standard</b>
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.6.50, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.6.50, below.
<b>s.</b> Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.6.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.6.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE**

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-12 Zone:

- a.** Buildings with opposing windowed walls shall be separated by 20 ft.
- b.** Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- c.** Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b," above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- d.** Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e.** Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.
- f.** Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.

## **CHAPTER 3.7**

### **MEDIUM-HIGH DENSITY - UNIVERSITY (RS-12(U)) ZONE**

#### **Section 3.7.10 - PURPOSE**

This zone implements the Medium-high Density Residential Comprehensive Plan designation, which allows from 12 to 20 dwelling units per acre. It is intended to provide for Medium-high density housing near the University that is compatible with existing development and consistent with the purpose of the RS-12 Zone. This zone also contains development standards to help address compatibility issues associated with the North Campus Area.

#### **Section 3.7.20 - PERMITTED USES**

##### **3.7.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright**

1. Residential Use Types -
  - a) Family
  - b) Group Residential
  - c) Group Residential/Group Care
  - d) Residential Care Facility
  - e) Fraternities and Sororities
2. Residential Building Types -
  - a) Single Detached
  - b) Single Detached - Zero Lot Line
  - c) Single Attached - Zero Lot Line, two units
  - d) Attached - Townhouse
  - e) Duplex

Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.7.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.7.30 - RS-12(U) DEVELOPMENT STANDARDS**

**Table 3.7-1 - RS-12(U) Development Standards - Standards Option**

	Standard
a. Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c. Minimum Lot Area	2,200 sq. ft. per dwelling unit
d. Minimum Lot Width	25 ft.
e. Setbacks	
1. Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2. Rear yard and Side yards	5 ft. minimum <del>and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
Interior attached townhouses exempt from interior side yard setbacks.	
a) Single Detached	5 ft. minimum each side yard
b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side <sup>1</sup>
c) Duplex and Multi-Dwelling	10 ft. minimum each side
d) Abutting a more restrictive zone	10 ft. minimum
3. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street, and</del> Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also "k," and "l," below.	

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.



## **CHAPTER 3.9**

### **MIXED USE RESIDENTIAL (MUR) ZONE**

#### **Section 3.9.10 - PURPOSE**

The Mixed Use Residential (MUR) Zone is established to increase housing opportunities in close proximity to designated commercial zones. The MUR Zone is intended primarily for development of multi-family housing at densities high enough to support the retail uses of the adjacent commercial zones and to provide residents with direct and convenient access to commercial services.

Varied Housing Types are encouraged in the MUR Zone. Small-scale retail, office, and service uses are also allowed when they are developed as part of a mixed-use building. Design standards for the MUR Zone emphasize intensive development with building orientation to the street, as described in Chapter 4.10 - Pedestrian Oriented Design Standards. These design standards are tailored to the type of use proposed, such as townhouse, multi-family, and/or mixed use.

#### **Section 3.9.20 - GENERAL PROVISIONS - Establishment of the MUR Zone**

The MUR Zone designation shall apply to lands identified as MUR on the Official Zoning Map as of December 31, 2006, except as amended in accordance with the provisions of this Chapter and Chapter 2.2 - Zone Changes. Through a legislative or quasi-judicial process consistent with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Hearings, the MUR Zone may also be applied to properties designated Medium-high Density or High Density Residential on the Comprehensive Plan Map.

The following locational and dimensional criteria apply to the MUR Zone.

##### **a. Locational Criteria**

The following locational criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Hearings.

1. The MUR Zone designation shall be applied only to properties that are contiguous with property designated Commercial on the Comprehensive Plan Map;
2. The outer boundary of the MUR Zone shall extend no farther than 450 ft. (1.5 to 2 blocks) from the edge of the adjacent commercially



	Standard
<p>c. Setbacks</p> <ol style="list-style-type: none"> <li>1. Front and side yard</li> <li>2. Rear yard setback</li> <li>3. Side and rear yard setback adjacent to Low Density Residential zone</li> <li>4. <del>Corner Lot</del> <u>Exterior side yard</u> Front porches may encroach up to 5 ft. into setback area, provided vision clearance is still met and the porch's finished floor elevation is at least 3 ft. higher than the street sidewalk.</li> <li>5. Maximum setback against street <ol style="list-style-type: none"> <li>a) <del>Mixed Use Buildings</del></li> <li>b) <del>Multi-dwelling Structures</del></li> <li>c) <del>Townhouses</del></li> </ol> Additions onto existing buildings are not subject to <del>these</del> <u>this</u> maximum setbacks. </li> </ol> <p>See also "h," and "i," below.</p>	<p>None, except as needed for Building Code compliance and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</p> <p>10 ft. minimum</p> <p>Equal to most restrictive setback in the Low Density Residential zone</p> <p><del>None, except as needed for Building Code compliance and 10 ft. minimum on side abutting the street.</del> Vision Clearance Areas in accordance with Section 4.1.40 of Chapter 4.1 - Parking, Loading, and Access Requirements.</p> <p>5 ft. 15 ft. <del>13 ft.</del></p>
<p>d. Minimum Garage/Carport Setbacks</p> <ol style="list-style-type: none"> <li>1. Detached and attached units <ol style="list-style-type: none"> <li>a) Garage/carport entrance facing/parallel to the street</li> <li>b) Garage/carport entrance sideways/perpendicular to street</li> </ol> </li> <li>2. Multi-dwelling units</li> </ol> <p>See also "h," and "i," below.</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p> <p>Off-street parking and garages shall be located interior to the site in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

Area When a Development is Zoned MUR and is Next to Land Zoned RS-9 or RS-9(U) and Figure 3.9-2 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

- e. Where a property in the MUR Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, buildings on the perimeter of the MUR site and closest to the Low Density Residential zone shall be limited to 150 ft. in length.

*[Section 3.9.40 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.9.50 - MULTIPLE BUILDINGS ON ONE LOT OR SITE**

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the MUR Zone:

- a. Buildings with opposing windowed walls shall be separated by 20 ft.
- b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b" above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.
- f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.
- g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of the ground level.

## **CHAPTER 3.15 RIVERFRONT (RF) ZONE**

### **Section 3.15.10 - PURPOSE**

The Riverfront (RF) Zone implements the Central Business Comprehensive Plan designation for a portion of the core downtown area. It is intended to provide an area for Commercial, Civic, and Residential Uses, and to merge downtown with the Riverfront Commemorative Park in a pedestrian-friendly, multi-use neighborhood that focuses on the river. While the Zone does not permit new Low Density Residential Building Types, it does encourage dwelling units in, or attached to, buildings containing commercial activities.

Development in the Riverfront Zone is intended to enhance public safety and the pedestrian experience by encouraging the presence of citizens 24 hours a day. Allowed Uses such as retail, office and restaurants with windows to the sidewalk, and a residential neighborhood promote the greatest public access and activity. Large-scale civic and cultural facilities are encouraged in the Riverfront Zone, provided the Uses and activities promote the basic function of the Zone. Such Uses shall be reviewed for their character and contribution to the viability of the Riverfront Zone and to the Central Business Zone, and may be reviewed under the procedures outlined in Chapter 2.12 - Lot Development Option or Chapter 2.5 - Planned Developments should variations to development standards be needed.

Safe, adequate, and convenient parking for employees, customers, and residents is desired through the use of on-street parking and parking facilities that are functionally and visually compatible with the pedestrian orientation of the area. Structured parking facilities are encouraged to promote Use densities that enhance the intended high level of neighborhood safety and pedestrian activity within the multi-use neighborhood. To the extent that they meet the other purposes of the RF Zone and other requirements of this Code, creative measures to provide needed parking within the RF Zone and potentially within the Central Business Zone are encouraged to foster community-preferred activities in the RF Zone.

### **Section 3.15.20 - GENERAL PROVISIONS**

Establishment of the RF Zone - The provisions of the RF Zone shall apply only to properties designated RF on the Official Zoning Map, effective December 31, 2006.

- c) Business Support Services
- d) Communication Services
- e) Convenience Sales and Personal Services
- f) Day Care, Commercial Facility
- g) Eating and Drinking Establishments - except Drive-through Facilities
- h) Financial, Insurance, and Real Estate Services
- i) Food and Beverage Sales
- j) Medical Services
- k) Participant Sports and Recreation
  - 1) Indoor
  - 2) Outdoor
- l) Professional and Administrative Services
- m) Repair Services - Consumer
- n) Research Services
- o) Retail Sales - General
- p) Spectator Sports and Entertainment - Limited
- q) Technical Technology and Support Services Center - upper floors only
- ~~r) Telemarketing Center - upper floors only~~
- r) Temporary Outdoor Markets
- s) Lodging Services - Hotel/Motel - In the RF Zone, this includes only non-ground-floor rooms; however, access areas such as



**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development, and all other applicable provisions of this Code. Items allowable under Conditional Development include occupied towers or penthouses over 75 ft. high, per Section 3.15.40.02.

### **3.15.30.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 Plan Compatibility Review, and all other applicable provisions of this Code.

- a. Minor Utilities - as projections only, subject to standards in Chapter 4.9 - Additional Provisions.
- b. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.15.30 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.15.40 - DEVELOPMENT STANDARDS**

### **3.15.40.01 - Lot Area and Setback Requirements**

- a. The RF Zone has no minimum parcel area and no minimum setbacks, except as provided in "b," below, and as required for vision clearance, such as at parking structure entrances and intersections.
- b. A building's occupied space shall extend to the street along at least 75 percent of the property line at the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities that occupy 100 percent of the additional setback area. Enhanced pedestrian spaces and amenities consist of publicly accessed features including plazas, arcades, courtyards, lawns, outdoor cafes, widened sidewalks, benches, shelters, street furniture, or kiosks. Enhanced pedestrian spaces shall open to the sidewalk, include at least one adjoining entry into a building, and meet ground-floor development standards.

## CHAPTER 3.24 GENERAL INDUSTRIAL (GI) ZONE

### Section 3.24.10 - PURPOSE

This is the primary zone that implements the General Industrial Comprehensive Plan designation. It is intended to provide appropriate locations for a variety of General Industrial Uses including Manufacturing and related activities with few, if any, nuisance characteristics. This zone prohibits Residential Uses except as authorized in Chapter 4.3 - Accessory Development Regulations.

### Section 3.24.20 - PERMITTED USES

#### 3.24.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright

##### 1. Civic Use Types -

~~a) Major Services and Utilities~~

~~b~~ a) Minor Utilities - with towers not exceeding 75 ft. in height, subject to standards in Chapter 4.9 - Additional Provisions

~~c~~ b) Parking Services

~~d~~ c) Public Safety Services

~~e~~ d) Freestanding Wireless Telecommunication Facilities up to 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

##### 2. Commercial Use Types -

a) Agricultural Sales

b) Agricultural Services

c) Animal Sales and Services -

1) Grooming - in conjunction with veterinary

- b. Freestanding Wireless Telecommunication Facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- d. Colocated/attached Wireless Telecommunication Facilities that increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.24.20.03 -General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

- a. Explosive or Fuel Storage
- b. Major Services and Utilities
- c. Projections such as chimneys, spires, domes, and towers, not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles subject to requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations

[Section 3.24.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.24.30 - DEVELOPMENT STANDARDS**

### **3.24.30.01 - Lot Area**

Lots shall be adequate to fulfill applicable Code requirements and minimum standards of this Zone.

### **3.24.30.02 - Setbacks**

#### **a. Boundary Area -**

- 1. A setback of not less than 100 ft. shall be provided from any residential, Agriculture-Open Space, or Willamette River Greenway property line. Off-street parking and loading shall be permitted in this



## CHAPTER 4.2 LANDSCAPING, BUFFERING, SCREENING, AND LIGHTING

### Section 4.2.10 - PURPOSES

The City recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large-scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This Chapter prescribes standards for Landscaping, Buffering, Screening, and Lighting. While this Chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City with this purposes clause as the guiding principle.

### Section 4.2.20 - GENERAL PROVISIONS

#### a. Required Landscaping -

1. Landscaping and Irrigation Plans - Where a landscape plan is required by this Code, by a particular proposal, and/or by Conditions of Approval, detailed planting plans, irrigation plans and other related plans shall be submitted for review and approval with Building Permit applications and/or prior to the recordation of a Final Plat, as applicable. Building Permits, including Foundation Permits, shall not be issued until the Director has determined that the plans comply with the purposes clause and specific standards in this Chapter, any specific proposal(s), and/or Conditions of Approval that apply to the particular project. On a case by case basis, and where no Significant Natural Features would be impacted, the Director may grant an exception and allow the issuance of permits. Required landscaping shall be reviewed and approved by the Director, and in no case shall landscaping be less than that required by this Chapter. Landscaping shall consist of ground cover, shrubbery, and trees.
2. Installation - All required landscaping and related improvements, such as irrigation, etc., shall be completed prior to the issuance of a Certificate of Occupancy, with the exception of landscaping and related improvements required along Arterial, Collector, and Neighborhood Collector Streets per LDC Section 4.0.30.a.2, or which are located within Tracts and public rights-of-way that abut those Tracts. All required landscaping and related improvements along Arterial, Collector, and Neighborhood Collector Streets, or which are located within Tracts and public rights-of-way that abut those Tracts shall be completed or financially guaranteed prior to the recording of the associated Final Plat. Additionally, all required landscaping and related improvements within the public right-of-way, and/or required by Conditions of Approval in conjunction with recording of the Final Plat, shall be completed or financially guaranteed prior to the recording of a Final Plat. If an applicant

years old, and are retained as significant vegetation in common, open space tracts and areas. Irrigation systems needed to establish trees and shrubs in Natural Resource and Natural Hazard areas are required. Where required, a detailed irrigation system plan shall be submitted with Building Permit applications. The plan shall indicate source of water, pipe location and size, and specifications of backflow device. The irrigation system shall utilize 100 percent sprinkler head-to-head coverage or sufficient coverage to ensure 90 percent coverage of plant materials in three years.

- g. In no case shall shrubs, conifer trees, or other screening be permitted within Vision Clearance Areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.
- h. **Historically Significant Trees** - Definitions, procedures, and review criteria to remove Historically Significant Trees are located in Chapter 1.6 - Definitions, and Sections 2.9.70.y, 2.9.90.02.a.11, 2.9.110.01.e, and 2.9.110.03.d of Chapter 2.9 - Historic Preservation Provisions.
- i. **Hazardous Tree Removal** - Hazardous Trees are defined in Chapter 1.6 - Definitions. Except in emergency situations, removal of Hazardous Trees may only occur following the City Urban Forester's approval of a Hazard Tree Evaluation, which recommends tree removal. The Hazard Tree Evaluation shall be performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be submitted to the City's Urban Forester for review. The City Urban Forester will make the final determination as to whether or not the tree qualifies as a Hazardous Tree. Historically Significant Trees are also subject to the provisions in LDC Section 2.9.70.y. Protected trees that qualify as Hazardous Trees are also subject to the relevant Natural Resource protection provisions in this Code, and/or any relevant Conditions of Approval.

*[Section 4.2.20 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE**

##### **a. Tree Plantings -**

Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

##### **1. Street Trees -**

- a) Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "d," below;

## **CHAPTER 4.4 LAND DIVISION STANDARDS**

### **Section 4.4.10 - PURPOSES**

The Land Division standards in this Chapter are intended to preserve, protect, and promote the public health, safety, convenience, and general welfare. These standards are implemented in conjunction with the Subdivision, Expedited Land Division, and Partition procedures in Chapter 2.4 - Subdivisions and Major Replats; Chapter 2.5 - Planned Development; and Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments, respectively. They are also implemented in conjunction with Chapter 4.0 - Improvements Required with Development.

### **Section 4.4.20 - GENERAL PROVISIONS**

#### **4.4.20.01 - Applicability**

All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development and/or Chapter 2.12 - Lot Development Option, as applicable.

#### **4.4.20.02 - Blocks**

- a. **General** - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.
- b. **Size** - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60 ~~no~~ of Chapter 4.0 - Improvements Required with Development.

#### **4.4.20.03 - Lot Requirements**

- a. **Size and Shape** - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, ~~and depth shall generally not exceed 2.5 times the average width.~~ Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for



3. Landscaping in the Through Lot Easement area shall comply with the provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

- d. **Lot Side Lines** - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.
- e. **Lot Grading** - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.
- f. **Building Lines** - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.
- g. **Large Lots** - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.
- h. **Minimum Assured Development Area** - For property with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, lots created through a Subdivision, Partition, or Property Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA).

[Section 4.4.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.4.30 - SPECIAL PROVISIONS FOR LOTS CREATED THROUGH LAND PARTITIONS OR MINOR REPLATS VIA SECTION 4.4.20.03.b "1" or "2."**

In addition to complying with the provisions of Section 4.4.20 above, Partitions and Minor Replats that qualify for the exception in Section 4.4.20.03.b "1" or "2," above, shall be subject to the following standards and procedures.

**4.4.30.01 - ~~Access Way~~ Accessway**

## **CHAPTER 4.7**

### **SIGN REGULATIONS**

#### **Section 4.7.10 - PURPOSES**

The City's sign regulations serve the community by doing the following:

- a. Requiring sound construction and maintenance of signs, and by limiting the number of visual images communicated;
- b. Providing an equitable opportunity to use signs as a communication medium outside of public rights-of-way;
- c. Providing standards for location, size, type, and number of signs; and
- d. Providing reasonable limits on the magnitude and extent of graphic communication presented to the public.

#### **Section 4.7.20 - OFFENSES**

Any person who erects, installs, maintains, alters, repairs, removes, or uses a sign in violation of the provisions in this Chapter or of the Corvallis Building Code shall be committing a Class B infraction subject to the penalties set forth in Section 4.7.120 of this Chapter. Any person who causes or permits any of these actions shall also be in violation of these regulations.

#### **Section 4.7.30 - SIGN MAINTENANCE REQUIRED**

Signs shall be maintained to protect the public safety, present a neat appearance, and prevent deterioration.

- a. A permit is not required for normal maintenance and repair of a sign or sign structure, such as painting, repainting, and cleaning.
- b. A permit is required for structural and electrical modifications, including changes of sign size, shape, and location.

to the public safety or health by reason of poor structural design or construction, inadequate maintenance, lack of repair, or dilapidation;

- f. Signs located on or above public rights-of-way without written consent of the applicable jurisdiction, unless permitted by Sections 4.7.70 through 4.7.90, below. This includes, but is not limited to: sandwich boards (unless permitted by Section 4.7.90.04.c), posters on utility poles, political signs in parking strips, and signs on sidewalks;
- g. Signs that flash, blink, fluctuate, or have chaser, scintillating, or speller effects, including search lights. The interval of change specified in Section 4.7.80.07 shall be used to inform the meaning of these terms for all sign types;
- h. Signs that move or have any moving part. This includes movement by mechanical, electrical, or kinetic means, wind currents, or any other means;
- i. Signs that inflate, including balloons and blimps;
- j. Pennants, flags, and banners (unless permitted by Section 4.7.90.04.c). See Section 4.7.70.b regarding official national, state, and local flags, Section 4.7.80.05 regarding temporary banners, Section 4.7.90.04.c regarding Portable Signs in the Central Business and Riverfront Zones, and the Portable Sign definition in Chapter 1.6 - Definitions;
- k. Roof signs including those projecting more than four ft. above an eave on sloped roofs, or four ft. above the parapets on flat roofs;
- l. Signs with visible A-frames, trusses, or guy wires as part of the sign or sign structure (unless permitted by Section 4.7.90.04.c);
- m. Signs placed on, affixed to, or painted on any motor vehicle, trailer, or other mobile structure not registered, licensed, and insured for use on public highways; and
- n. Handbills, including any notice, placard, poster, showbill, dodger, circular, pamphlet, booklet, letter, folder, sheet, sticker, or banner, except as permitted by the Corvallis Criminal Code.

*[Section 4.7.50(g) amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 4.7.60 - SIGN PERMIT PROCEDURE**

Unless exempt through Section 4.7.70, a Sign Permit is required for installation of each sign and billboard.

- a. A completed Sign Permit application accompanied by the appropriate fee shall be submitted for review to the Development ~~Assistance Center~~ Services Division.
- b. The Director shall review the Sign Permit application to ensure it is complete and accompanied by the appropriate fee, and that the proposed sign complies with the requirements of this Code and other City ordinances. A Permit shall be issued only when all of these criteria have been met. Additionally, unless exempt per Section 2.11.40.e, signs in Special Flood Hazard Areas shall obtain a Flood Development Permit per Chapter 2.11 - Floodplain Development Permit.
- c. An approved Sign Permit does not replace, supersede, or waive structural or electrical standards and permits required by the Corvallis Building Code. These other permits must also be obtained prior to work on the installation of a sign.
- d. The applicable Permit review fee shall be doubled if sign installation is begun before the Permit is obtained. Payment of the double fee shall not relieve any person from full compliance with these regulations.
- e. The Permit shall expire if a sign is not installed within 180 days from the date of a Sign Permit application approval. Re-application shall include a new, fully completed application form and a new Permit review fee. The application must comply with the findings in "b," above, including any amendments to these regulations adopted since the previous Permit approval.
- f. An approved Sign Permit may be revoked by the Director if the sign is not constructed and installed as approved, if incorrect information was provided on the application, or if the City approved the Permit in error. A decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.
- g. All signs shall be subject to inspection and reinspection by the Director. Footing inspections may be required for all signs having footings.

*[Section 4.7.60(a) amended by Ordinance 2012-00x, effective December X, 2012]*



#### **Section 4.7.70 - EXEMPTIONS FROM SPECIFIC REQUIREMENTS OF REGULATIONS**

The following types of graphic communication are exempt from one or more requirements of this Chapter, but shall comply with other applicable provisions. They are not subject to allocation limits specified in sections 4.7.80 and 4.7.90 below. Limitations on number and size of these classes of signs, if any, are noted below.

- a. Signs erected in a public right-of-way by an agent of the City, Benton County, the State of Oregon, the U.S. Government, or a public utility are exempt from the provisions of these regulations. Exempt signs include:

- 1. Street identification signs; and
- 2. Traffic control, safety, warning, hazard, construction, and related signs.

- b. One official national, state, and local government flag or banner per property when installed in a manner that meets City ordinances and when flown and maintained with the respect due to these symbols of honor and authority, as specified by the U. S. Flag Code, are exempt from the provisions of these regulations. As per Section 4 of the U. S. Flag Code, the American flag should never be used for advertising purposes.

The flag structure shall not exceed 20 ft. in height or a height 10 percent greater than the maximum height of the primary structure on the property, whichever is greater. All structures over 10 ft. in height supporting flags require a Building Permit and inspection(s) of the footing and structure, as per the Corvallis Building Code, prior to installation of the structure.

- c. Campaign signs related to local, state, or national elections shall be exempt from the permit requirements and allocation limitations, provided they comply with the following: campaign signs shall be limited to the time period between 60 ~~90~~ days preceding the election date to 15 days following the election date; and campaign signs shall be located only on private property and outside of Vision Clearance Areas.
- d. Signs required by City ordinance, County ordinance, or state or federal law are exempt from the provisions of these regulations. Examples include address numbers, street names, public notices, restaurant health inspection ratings, handicapped access signs, and Civil Defense Shelter signs.
- e. For Designated Historic Resources listed in the Local and/or National Register of

Historic Places, one permanent memorial sign or tablet per property is exempt from the provisions of these regulations. To be exempt, the dimensions and design of such memorial signs or tablets shall be consistent with guidelines established by the Corvallis Historic Resources Commission.

- f. Permanent signs directing and guiding traffic and parking on private property, not to exceed six sq. ft. and limited to one sign per driveway entrance or street frontage are exempt from the provisions of these regulations. Other signs that designate reserved parking spaces or are related to traffic or parking regulations, if limited to two sq. ft., are also exempt.
- g. One non-illuminated blade sign per entrance to a building, placed above a walkway and under weather-protecting awnings, marquees, and parapets, is exempt from the Sign Area limits of sections 4.7.80 and 4.7.90 below and from the limitation of two attached signs per occupant or business. An approved Permit is required prior to installation. See Section 4.7.80.06 below for additional blade sign standards.
- h. Signs that communicate only to persons inside buildings or building complexes or on private property shall be exempt from the provisions of these regulations.
- i. Signs, decorations, and displays inside of windows or attached to the inside of a window are exempt from these requirements, except those signs prohibited by Section 4.7.50.
- j. Temporary Signs and Portable Signs conforming with this Chapter shall be exempt from the Permit requirements. See definitions for Temporary Signs and Portable Signs in Chapter 1.6 - Definitions.

*[Section 4.7.70(c) amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.7.80 - ALLOCATION PROVISIONS AND DESIGN STANDARDS BY TYPE OF SIGN**

The following provisions and design standards organized by type of sign specify how the total sign allocation may be used. Unless specified elsewhere in these regulations, the sign allocation for a property shall be determined by multiplying the length of a property's primary frontage by the primary frontage multiple, which is identified for each zone in Section 4.7.90 below.

banner permit issued on a property shall determine the option chosen. The options are:

1. Each property is limited to three Sign Permits for banners per year. The maximum Sign Area for a banner shall be 16 sq. ft. Each Sign Permit for a banner shall be valid for 30 consecutive days, after which time the banner shall be removed; or
  2. Each property is limited to two Sign Permits for banners per year. The maximum Sign Area for a banner shall be 100 sq. ft. Each Sign Permit for a banner shall be valid for seven consecutive days, after which time the banner shall be removed.
- b. All banners shall be securely attached flush with a building face and comply with the maximum sign height provisions for attached signs in the applicable zone. The Sign Area of a banner sign shall not reduce a property's sign allocation.

#### **4.7.80.06 - General Requirements for Blade Signs**

- a. One non-illuminated blade sign above the walkway shall be allowed under weather protecting awnings, marquees, and parapets, placed at each entrance to a building. An approved Sign Permit is required prior to installation. Blade signs are exempt from the limitation of two attached signs per occupant or business, as discussed in Section 4.7.80.01.b above.
- b. Vertical dimension of a blade sign shall not exceed one ft. and the width shall not exceed 90 percent of the width of the weather protection, for a maximum Sign Area per sign of four sq. ft.

#### **4.7.80.07 - General Requirements for Variable Message Signs**

- a. The interval of change in the message or copy of a variable message sign, whether manual or automated, may not be less than twenty minutes. In no case shall the sign exhibit characteristics of those signs prohibited in Section 4.7.50.g.
- b. The portion of signs that display time and temperature information are exempt from the interval of change limitation of Section 4.7.80.07.a. above.

*[Section 4.7.80.07(b) amended by Ordinance 2012-00x, effective December X, 2012]*



## **CHAPTER 4.10**

### **PEDESTRIAN ORIENTED DESIGN STANDARDS**

#### **Section 4.10.10 - PURPOSE**

The Pedestrian Oriented Design Standards in this Chapter are established to do the following:

- a. Implement applicable policies of the Comprehensive Plan;
- b. Foster human-scale development that emphasizes pedestrian rather than vehicular features;
- c. Promote pedestrian oriented buildings, pedestrian amenities, and landscaping that contribute positively to an appealing streetscape;
- d. Promote an environment where developed areas, recreational areas, and multi-use paths are accessible to all;
- e. Promote pedestrian safety by increasing the visibility and vitality of pedestrian areas;
- f. Ensure direct and convenient access and connections for pedestrians and bicyclists;
- g. Augment the sidewalk and multi-use path system for pedestrians;
- h. Provide a connected network of sidewalks and multi-use paths;
- i. Encourage street activity to support livable neighborhoods and vital commercial areas;
- j. Ensure that developments contribute to the logical continuation of the City's street and block form and/or establish block patterns in parts of the City where they do not exist;
- k. Provide a sense of diversity and architectural variety, especially in residential areas, through the use of varied site design layouts and building types and varied densities, sizes, styles, and materials;



#### 4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

##### a. Pedestrian Amenities Standards

###### 1. Weather Protection -

- a) General - Except as provided in "b" and "c," below, where new commercial and civic development is constructed immediately adjacent to (abutting) street sidewalks or pedestrian plazas, a minimum six-ft.-wide, weather-protected area, protected by such elements as awnings or canopies, shall be provided and maintained along at least 60 percent of any building wall immediately adjacent to the sidewalks and/or pedestrian plazas. An additional requirement shall include a minimum eight-ft. and maximum twelve-ft. vertical clearance between the sidewalk and the lowest portion of the weather protection. Theis minimum vertical clearance shall be nine ft. for balconies. These requirements are shown below in Figure 4.10-22 - Weather Protection.

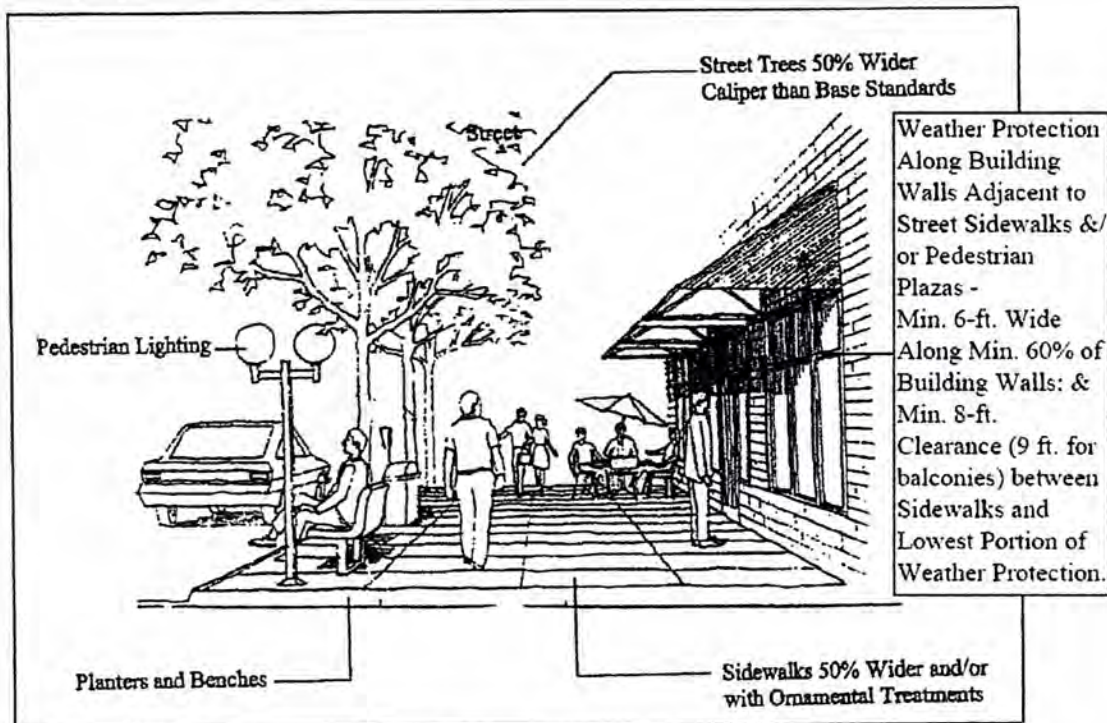


Figure 4.10-22 - Weather Protection

seating wall, that conform to the accessibility standards in Section 4.10.70.05.a.4.

- c) Entrances - Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.
- d) Base Treatments - A recognizable Base Treatment consisting of at least one of the following:
  - 1) Thicker walls, such as a bulkhead, ledges, or sills as viewed from the exterior of the building;
  - 2) Integrally textured materials such as stone, stucco, or other masonry;
  - 3) Integrally colored and patterned materials such as smooth-finished stone or tile;
  - 4) Lighter or darker colored materials, Mullions, or panels;
  - 5) Detailing such as scoring, ribbing, moldings, or ornamentation; or
  - 6) Planters integral to the building.
- e) Top Treatments - A recognizable Top Treatment consisting of at least one of the following:
  - 1) Cornice treatments, other than colored stripes or bands that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;
  - 2) Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings such as Modillions, Dentils, or other moldings, as applicable; or contain brackets; or
  - 3) Stepped parapets.

[Section 4.10.70 amended by Ordinance 2012-00x, effective December X, 2012]

## **CHAPTER 4.11**

### **MINIMUM ASSURED DEVELOPMENT AREA (MADA)**

#### **Section 4.11.10 - PURPOSES**

Procedures and standards for determination of Minimum Assured Development Area (MADA) are established in this Chapter to accomplish the following purposes:

- a. Provide protection for identified significant Natural Resources and reduce risks associated with Natural Hazards as identified in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;
- b. Permit efficient use of land;
- c. Provide flexibility and innovation in site planning to allow for an appropriate level of development on sites where Natural Resources are located;
- d. Establish a balanced, clear, and objective mechanism to avoid an undue burden for property owners protecting Natural Resources on individual properties;
- e. Minimize procedural delays and ensure due process in the review of development proposals.

#### **Section 4.11.20 - GREATER RESTRICTIONS**

This Chapter of this Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, these provisions do provide relief from other ordinances to assure a minimum development area.

#### **Section 4.11.30 - PROCEDURES**

Properties with Natural Resources or Natural Hazards subject to the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, have access to the provisions of this Chapter, provided the regulations within it are

Natural Resources and Natural Hazards, even to provide a Minimum Assured Development Area. Regardless of the area or percentage of a particular lot or parcel covered by the High Risk/Impact Natural Resources and Natural Hazards, no encroachments shall be permitted within them, except as provided in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

- b. All development in the Natural Resources and Natural Hazards listed in "c," below, shall be limited to the specific land uses, development requirements, and exceptions listed in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

**c. High Risk/Impact Natural Resources -**

- 1. Slopes of 35 percent or greater, unless allowed by Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;
- 2. Landslide Debris Runout Areas, unless allowed by Section ~~4.5.70~~ 4.14.60;
- 3. 0.2-ft. Floodway; and
- 4. Less than five ft. from the Top-of-bank in Riparian Corridors.

[Section 4.11.50 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.11.60 – VARIATIONS**

Except as limited by provisions in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code



## **CHAPTER 4.14**

### **LANDSLIDE HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS**

#### **Section 4.14.10 - PURPOSES - LANDSLIDE HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS**

Without establishing any priority, the purposes of this Chapter are intended to:

- a. Protect human life, health, and property;
- b. Reduce damage and loss of life from the Natural Hazards of steep slopes, landslide risk areas, and landslide-related risk areas;
- c. Implement the landslide hazard and hillside development requirements of Statewide Planning Goal 7 - which relates to Areas Subject to Natural Disasters and Hazards;
- d. Implement the landslide hazard and hillside provisions in Article 4 of the Comprehensive Plan; and
- e. In order to assist in the furtherance of these purposes, where not required, creation of open space tracts is encouraged within areas designated as Natural Resources or Natural Hazards on the Comprehensive Plan and Official Zoning Maps.

#### **Section 4.14.20 - APPLICABILITY**

##### **4.14.20.01 - Natural Hazards that are Subject to this Chapter**

- a. These provisions apply to:
  - 1. Areas with slopes equal to or greater than 10 percent;
  - 2. High landslide risk areas;
  - 3. Existing landslide areas; and
  - 4. Landslide debris run-out areas.
- b. Mapping of Natural Hazards -
  - 1. Natural Hazards Map - The Natural Hazard areas in "a," above, are mapped on the Corvallis Natural Hazards Map.
  - 2. Exclusion of Corvallis Fault Line and Liquefaction Soils - Hazards associated with the Corvallis Fault Line and liquefaction soils are not addressed as part of this Code. Hazards associated with the Corvallis Fault Line, and with fault lines in general, are difficult to anticipate. This is in part because the Fault has not been precisely mapped and

#### **Section 4.14.30 - DISCLAIMER OF LIABILITY**

The degree of Natural Hazard protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger hazard events can and will occur on rare occasions. Landslide risks may be increased by man-made or natural causes. Areas impacted by other Natural Hazards may differ from those shown on the Corvallis Natural Hazards Map. This Chapter does not imply that land outside the landslide hazard areas or Uses permitted within such areas will be free from landslides, nor does it imply that land outside of mapped hazard areas will be free from damage or earth movement in a hazard event. This Chapter shall not create liability on the part of the City of Corvallis, any officer or employee thereof, or the Federal Insurance Administration, for any hazard damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder. Compliance with the minimum standards established by this Chapter is not intended to relieve any private party from liability for the design or construction of development which causes damage or injury by aggravating an existing and known hazard.

#### **Section 4.14.40 - PROCEDURES**

Compliance with the provisions of this Chapter shall be determined through the development review processes identified in Section 1.2.110 of Chapter 1. 2 - Legal Framework. Applications for Excavation and Grading Permits, Building Permits or other permits for structures on sites containing the Natural Hazard areas, as defined in Section 4.14.20, shall be submitted and reviewed to ensure compliance with specifications referenced herein; and to ensure that development is reasonably safe from anticipated hazards. Such applications for Excavation and Grading Permits, Building Permits or other permits for structures also include those needed for Manufactured Dwellings. Other development activities as described in this provision include, but are not limited to, mining, dredging, filling, grading, paving, and excavating.

- a. **Development Application** - Development applications for all properties containing or abutting a mapped Natural Hazard area shall accurately indicate the locations of these features and the location of any proposed development. Development applications shall include Floodplain Development Permits, Excavation and Grading Permits, Building Permits, Public Improvements by Private Contract Permits (PIPC), and any land use application identified in Chapter 2.1 - Comprehensive Plan Amendment through Chapter 2.14 - Partitions, Minor Replats, and Lot Property Line Adjustments. The Building Official, City Engineer, Floodplain Administrator, or Community Development Director may determine that the following information is not necessary in conjunction with permits for work that would not exacerbate hazard conditions in any way.

**b. Required Information, General** - All such development applications shall include the following information:

1. A site plan showing the proposed development on the site, drawn to a standard scale and including an illustrated scale for use in reductions;
2. Location of all proposed infrastructure necessary to serve the proposed development. Such infrastructure includes streets, driveways, water, sanitary sewer, and storm drainage;
3. Land uses within 300 ft. of the subject property;
4. Title block;
5. North arrow and bar scale;
6. Date(s) of field check(s);
7. A grading plan, if grading is to occur, showing existing and finished contours on the site, at two- ft. contour intervals;
8. Sources of information, such as national, state, or local soil survey maps; and City maps such as Comprehensive Plan and Zoning Maps, the Natural Hazards Map, the Significant Vegetation Map, the Riparian Corridors and Wetlands Map; and date and scale of aerial photos, etc.; and
9. Any other submittal requirements identified for development in areas with specific Natural Hazards, as specified in Sections 4.14.50, 4.14.60, and 4.14.70.

[Section 4.14.40 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.14.50 - STANDARDS FOR DEVELOPMENT IN STEEPLY SLOPED AREAS**

**4.14.50.01 - Purposes - Steeply Sloped Areas Provisions**

It is the purpose of these regulations to:

- a. **Provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner that protects:**
  1. The natural and topographic character and identity of these areas;
  2. Environmental resources;
  3. The aesthetic qualities and restorative value of lands; and
  4. The public health, safety, and general welfare;

**ORDINANCE 2012- 16**

**AN ORDINANCE AMENDING THE CORVALLIS LAND DEVELOPMENT CODE, MODIFYING ORDINANCE 93-20, AS AMENDED, TO REVISE PROVISIONS AFFECTING DEVELOPMENT CONSISTENT WITH THE CATEGORY OF INFILL TASK FORCE ITEMS (LDT12-00001)**

AN ORDINANCE relating to a Legislative Amendment to the Land Development Code (LDT12-00001), modifying Ordinance 93-20, as amended.

Whereas, the Planning Commission, after holding duly advertised public hearings on September 19, 2012, and October 3, 2012, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Land Development Code;

Whereas, on October 3, 2012, the Planning Commission recommended that the City Council approve the request to amend some Land Development Code provisions affecting development consistent with the category of Infill Task Force items;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code on November 5, 2012, and interested persons and the general public were given an opportunity to be heard;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on November 19, 2012, met to deliberate on the matter, and made a preliminary decision to approve the Infill Task Force items, subject to adoption of formal findings;

Whereas, findings of fact have been prepared and consist of the formal findings attached hereto as Exhibit A and the final version of this Amendment, attached hereto as Exhibit B;

Whereas, said findings are by reference incorporated herein and are hereby adopted by the City Council;

Whereas, the City Council finds that the burden of proof has been met;

Whereas, the City Council finds that the public necessity, convenience, and general welfare require such Amendment; and

Whereas, the City Council finds that the proposal conforms with the Corvallis Comprehensive Plan and other applicable policies;

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:




**Section 1.** The Land Development Code is amended as shown by the provisions contained in Exhibits A and B.


PASSED by the Council this 3rd Day of December, 2012.

APPROVED by the Mayor this 13th Day of December, 2012.

Effective the 13th Day of December, 2012.

  
Mayor

ATTEST:

  
City Recorder

# **EXHIBIT A**

## **Infill Task Force Items**

BEFORE THE CITY COUNCIL  
OF THE CITY OF CORVALLIS

In the Matter of the City Council decision to approve a	)	
Legislative Amendment to the Land Development Code	)	LDT12-00001
(LDC) as proposed and as modified by the Council in	)	
Ordinance 2012-___, which will change the LDC and	)	FINDINGS AND
implement the proposed changes.	)	CONCLUSIONS

### **INTRODUCTION**

The matter before the City Council is:

A decision regarding a Legislative Amendment to the Land Development Code (LDC) to amend several LDC provisions affecting development throughout the City of Corvallis. The Legislative Amendment to the LDC is collectively referred to as case LDT12-0001 ("2012 LDC Changes"). However, the final local decision on this matter involves five separate ordinances adopted by City Council, each ordinance representing one of five components of the collective package of code amendments. The discussion contained in this Exhibit A to Ordinance 2012-\_\_\_\_\_ reflects the City Council's Findings regarding what is referred to in the record for case LDT12-00001 as the "Infill Task Force Items" component of the LDC Legislative Amendment.

The applicant for this case is the City of Corvallis. In accordance with LDC Section 1.2.80.02, the City Council initiated this Legislative Amendment to the LDC on August 20, 2012. In accordance with LDC Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment to the LDC on September 19 and October 3, 2012. The Planning Commission forwarded its recommendation for approval to the City Council.

In accordance with LDC Section 1.2.80.03, the City Council held a duly-advertised de novo public hearing on November 5, 2012, to consider this Legislative Text Amendment to the LDC. On November 19, 2012, the City Council deliberated on the Legislative Text Amendment.

The members of the City Council voted to APPROVE the Legislative Amendment to the LDC as recommended by the Planning Commission, subject to review and approval of these findings, and subject to the changes reflected in Exhibit B of this implementing

Ordinance 2012-\_\_, adopted December 3, 2012.

Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions address relevant Comprehensive Plan Policies, LDC sections, and Oregon Statewide Planning Goals.

### **APPLICABLE CRITERIA**

All applicable legal criteria governing review of this application are identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits.

### **FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE**

**1. Background and City Council Goals for the Legislative Amendment to the Land Development Code (LDT12-00001) -**

The Council notes that in April of 2011, the City Council approved a bi-annual work program for the Planning Division after receiving public input and in consultation with the Planning Commission. The Council notes that at the time the work program was approved, Council Goals had not been established, but it was anticipated that several goals under consideration would result in a major staff role for Community Development, and therefore would impact planning work program priorities. The Council notes that as it turned out, three of the four Council Goals relate directly to work of the Community Development Department, including strengthening access to and availability of locally produced food; acting on recommendations of the Economic Development Commission; and working with OSU staff to seize opportunities on parking, code enforcement, infill design, rental code, traffic design, and other important issues. The fourth Council Goal, a sustainable City budget, was not within the purview of the Community Development Department. The City Council determined that once other work program items were completed, the next priority for Planning Division Staff would be to prepare a package of LDC changes that would include "housekeeping" items that correct obvious omissions or inconsistencies in the code, substantive issues items to streamline the code, and the recommendations from the Corvallis Infill Task Force (CITF).

The Council notes that in May of 2012, Planning Division staff reviewed the recommendations of the CITF, along with items on the "housekeeping" and substantive issues lists and City Council Goals and prepared recommendations and policy questions for the Planning Commission prior to beginning work on the

code amendment package. The Council notes that on June 6<sup>th</sup> and June 13<sup>th</sup>, work sessions were held with the Planning Commission in order to gain preliminary direction and concurrence with the proposed package of code changes. The Council notes that public testimony was received and some adjustments were made to the proposed code amendments. The Council notes that the Planning Commission supported the addition of a few items recommended by staff to be added to the substantive issues list and recommended that two recommended items from the CITF be set aside for the time being.

The Council notes that in order to address two City Council goals, two other items were added to the code amendment package. Firstly, a package of code amendments were included to facilitate the provision of "local food" in the community. The Council notes that these code amendments were developed by Community Development staff, based on the work of a Benton County health impact assessment regarding this issue, as well as additional staff research and analysis. Secondly, a placeholder item was reserved for any code-related "quick action items" from the City/OSU Collaboration Project. The Council notes that one "quick action item" was proposed, which was a recommendation by the City/OSU Collaboration Steering Committee to revise parking requirements for some types of four- and five-bedroom dwelling units. The Council notes that the Planning Commission endorsed the inclusion of these items in the package of 2012 code amendments.

The Council notes that on June 18<sup>th</sup>, a work session was held with the City Council regarding the 2012 code amendments. The Council notes that the City Council endorsed moving forward with the package of code amendments that was recommended by the Planning Commission. The Council notes that Staff then began preparing specific language for the LDC amendments, to be considered by the Planning Commission and City Council through the process required for such amendments. The Council notes that on August 20, 2012, the City Council voted to initiate the process to consider the proposed package of 2012 LDC Amendments.

The Council notes that the Planning Commission held a public hearing on September 19, 2012, and held the hearing open until October 3, 2012, to consider the package of code amendments (minutes of the meetings are included as **Exhibit B** of the Council Staff Report). The Council notes that after hearing testimony and deliberating, the Planning Commission decided to recommend that the City Council consider and approve the code amendments, with a few revisions proposed by the Planning Commission. The Council notes that the City Council staff report describes the changes recommended by the Planning Commission. The Council notes that **Exhibit E** of the City Council staff report summarizes all proposed code amendments, as well as describing the changes recommended by the Planning Commission.



### **Conclusions on Background and Text Amendment Goals**

The Council finds that the proposed Legislative Amendment to the LDC achieves the goals articulated by the Council. The Council finds that in achieving these goals, the Legislative Amendment to the LDC is in the interest of public necessity, convenience, and general welfare, as required by LDC Section 1.2.80.01.

## **2. Adequacy of the Public Record -**

The Council notes that this Legislative LDC Text Amendment, in the category of "Infill Development Task Force Items", revises LDC Sections 1.6.30, 3.0.30.02, 3.0.30.03, 3.11.20.01.b.2, 3.14.30.c.28, 3.15.30.01.a.5.t, 3.16.20.01.a.4.z, 3.19.30.f.30, 3.20.30.c.13, 3.21.30.b.30, 3.22.30.c.12, 3.23.20.01.a.2.f, 3.24.20.01.a.2.i, 3.26.30.01.a.2.f, 3.27.30.01.a.4.v, 4.1.30.c, 4.0.130, 2.12.30.03.h.16, 4.3.30, 4.0.100, 3.6.20, 3.7.20, 3.8.20, 4.9.40, 4.2.50, 4.10.50, 4.4.20.03, 4.10.70.05, and 4.11.50.03; affects Chapters 3.4, 3.5, 3.6, 3.7, and 3.8; and adds Figures 1.6-18.a and 4.2-1.

The Council notes that the LDC identifies procedures for Legislative Amendments to the LDC in Chapter 1.2, which states that such Amendments must be initiated by a majority vote of the Planning Commission or the City Council. The Council notes that in accordance with LDC Section 1.2.80.02, the City Council initiated this Legislative LDC Text Amendment on August 20, 2012.

The Council notes that the applicant for this case is the City of Corvallis and that, in accordance with LDC Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative LDC Text Amendment at two meetings on September 19, and October 3, 2012. The Council notes that the notice for this public hearing was duly published in the Corvallis Gazette-Times on September 7, 2012. The Council notes that the Planning Commission forwarded its recommendation for approval to the City Council.

The Council notes that in accordance with LDC Section 1.2.80.03, the City Council duly advertised a public hearing to consider this Legislative LDC Text Amendment and that the notice was duly published in the Corvallis Gazette-Times on October 22, 2012. The Council notes that this public hearing was held on November 5, 2012. The Council notes that on November 19, 2012 the City Council deliberated on the Legislative LDC Text Amendment.

The Council notes that after deliberating, it approved the Infill Task Force portion of the Legislative LDC Text Amendment, subject to approval of formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative LDC Text Amendment, which were identified

in the staff report to the City Council dated October 24, 2012, and its attached Exhibits. The Council notes that in reaching its decision it also considered the Planning Commission recommendation, the information and analysis presented by Staff, and all public testimony.

### **Conclusions on Adequacy of the Public Record**

The Council finds that there was ample opportunity for the public to testify, the process for developing and reviewing the Legislative LDC Text Amendment conformed to local and state land use requirements, and the record contains all information needed to evaluate the application for compliance with the applicable criteria.

The City Council accepts and adopts findings contained in the September 10, 2012, Staff Report to the Planning Commission, the Planning Commission findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Commission's September 19, 2012, public hearing, and October 3, 2012, deliberations, the October 24, 2012, Staff Report to the City Council, and the findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Council's November 5, 2012, public hearing and November 19, 2012, deliberations. These findings shall be referred to as the "Incorporated Findings," and are to be considered along with the "Supplemental Findings" contained within this document.

### **3. Specific Findings Regarding Infill Development Task Force Items -**

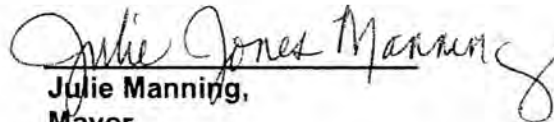
The City Council notes that the revisions to the Infill Development Task Force code amendments that were recommended by the Planning Commission were adopted by the City Council without change. The Council notes that the October 24, 2012, Staff Report to the City Council contains a complete description of these revisions. The revisions recommended by the Planning Commission include a change to off-street parking requirements for Vocational or Professional Training (LDC 4.1.30.c), a change to standards for arbors or similar structures in front yard setback areas (LDC 4.3.30.g), a revision to standards for exterior side yard fencing (LDC 4.2.50.01.d), and the introduction of Figures 1.6-18.a and 4.2-1 into the Land Development Code. The Council finds that the Infill Task Force code amendments, with revisions proposed by the Planning Commission and adopted by the City Council, are consistent with applicable City policies and Statewide Planning Goals, as determined in the analysis provided by Staff in the September 10, 2012, Staff Report to the Planning Commission. Specifically, the Council finds that the proposed Infill Task Force code amendments are consistent with Comprehensive Plan Policies 3.2.1, 9.3.2, 9.3.3, 9.4.3, and 14.3.1, and with Statewide Planning Goals 1, 2, 5, 9, 10, 11, and 14, as discussed on pages 8 - 11 of the September 10, 2012, Staff Report to the

Planning Commission. Additionally, the City Council finds that the Infill Task Force code amendments, as revised, will promote the general welfare of the community, as specifically detailed in the September 10, 2012, Staff Report to the Planning Commission, and consistent with the requirements of Land Development Code Section 1.2.80.

The Council notes that the specific text changes involved in the proposed Infill Task Force Legislative Amendments to the Land Development Code are as shown in the attached **Exhibit B**. The Council notes new text is indicated with double underline font and deleted text is shown with ~~strike-out~~ font.

#### SUMMARY OF CONCLUSIONS

The City Council finds that the proposed Infill Development Task Force Legislative Amendments to the Land Development Code (LDT12-00001) are consistent with the applicable Land Development Code criteria, Comprehensive Plan policies, and Statewide Planning Goals. Accordingly, the Infill Task Force Legislative Amendments to the Land Development Code (LDT12-00001) are APPROVED.

  
Kathy Louie,  
City Recorder  
Julie Manning,  
Mayor

Date: \_\_\_\_\_, 2012

# Exhibit B

## Land Development Code Amendments - Infill Development Task Force Items

### Notes:

The attached, revised Land Development Code text represents revisions approved by the City Council to Infill Development Requirements, as a component of LDT12-00001. The text includes highlighted language to show where a change has been made from the original text, as well as double-underline to show new text, and ~~strikeout~~, to show deleted text. Once finalized and incorporated into the Land Development Code, all such formatting will be removed.

The attached, revised Land Development Code text in this Exhibit B represents one of five packages of code amendments that are proposed for City Council approval. The other four packages consist of Parking Requirements, Housekeeping items, Substantive Issues items, and Local Food items, which will each be adopted by separate ordinance. The formatting of the proposed text assumes that all five packages will be adopted and implemented as shown. If changes to this text become necessary, due to appeal, remand, or for other reasons, necessary revisions will be reviewed and approved by the City Council at such time as they are needed.



**Hearing Authority** - City Council or an agency or officer of the Council designated by this Code to conduct public hearings regarding applications for development.

**Height of Buildings** - Vertical distance above a reference datum measured to the highest point of any non-gabled roof (including a "mansard" roof), or to the average height of the highest gable of a pitched or hipped roof. To calculate building height for a gambrel roof, the midpoint of the total height of all roof pitches (from roof peak to eave) shall define the height of the structure. If the eave height is less than 10 ft. above the reference datum, then it is assumed to be 10 ft. for the purpose of computing building height. To calculate the height of a hip roof, the midpoint of the highest roof pitch (from roof peak to eave) shall define the height of the structure. The height of a stepped or terraced building is the maximum height of any segment of the building.

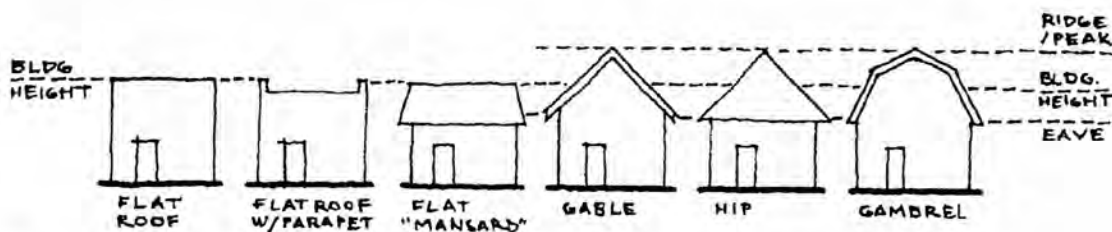


Figure 1.6-18.a - Calculation of Height of Building Using Various Roof Types

The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- a. As shown in Figure 1.6-18.b - Method 1 below, elevation of the highest adjoining sidewalk or ground surface within a five-ft. horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 ft. above lowest grade.
- b. As shown in Figure 1.6-19 - Method 2 below, elevation 10 ft. higher than the lowest grade when the sidewalk or ground surface described in "a", is more than 10 ft. above lowest grade.

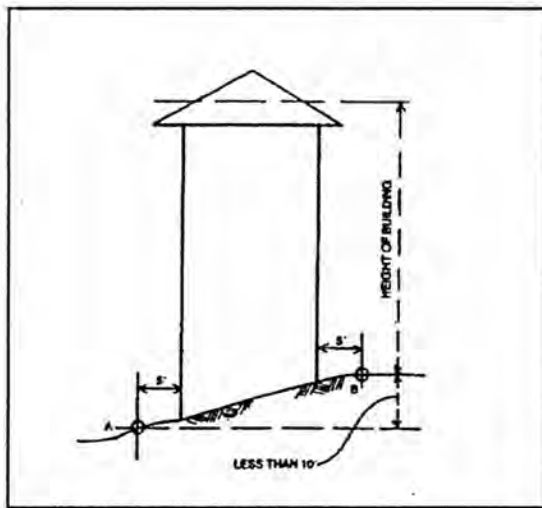


Figure 1.6-18.b - Method 1

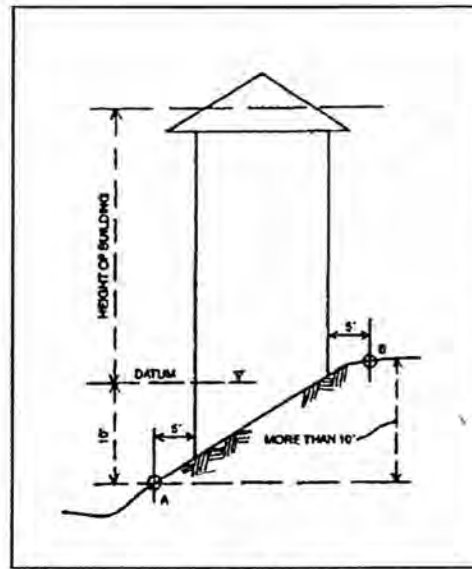


Figure 1.6-19 - Method 2

**Highest Adjacent Grade** - See "Highest Adjacent Grade" in Section 1.6.40.

**Historic Integrity** - Integrity of setting, location, materials or workmanship which is determined to be historic by fulfilling at least two of the following criteria:

- a. The historic resource is in its original location or is in the location in which it made a historical contribution;
- b. The historic resource remains essentially as originally constructed;
- c. Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given Period of Significance;
- d. The immediate setting of the historic resource retains land uses, or landscaping and relationship with associated structures, consistent with the Period of Significance;
- e. The historic resource contributes to the architectural continuity of the street or neighborhood;
- f. The site is likely to contain artifacts related to prehistory or early history of the community; or
- g. The historic resource is now one of few remaining prime examples of an architectural style or design, or a type of construction that was once common.

**Yard, Side** - As shown in Figure 1.6-32 - Side Yard below, yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is the minimum horizontal distance between the side lot line and a line parallel to the nearest point of the main building.

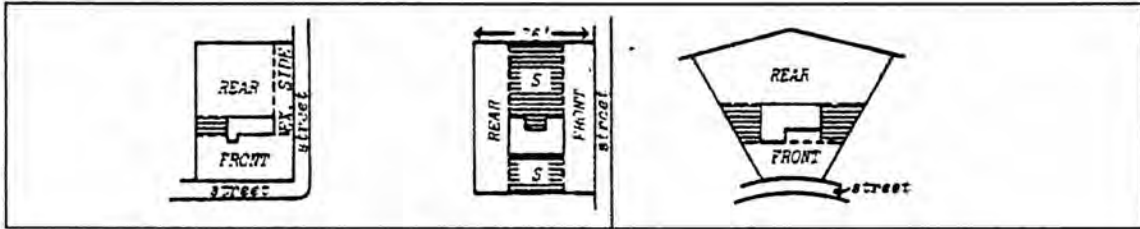


Figure 1.6-32 - Side Yard

**Zone** - Area of land within the Corvallis City limits designated for specific types of permitted developments and subject to the development requirements of that zone.

**Zone Change** - Amendment to the boundaries of zones shown on the Official Zoning Map. Procedures for this type of land use application are outlined in Sections 1.2.90.01 and 1.2.110.03 - Special Development, and Chapter 2.2 - Zone Changes.

[Section 1.6.30 amended by Ordinance 2012-00x, effective December X, 2012]

- a. **Administrative Services** - Consulting, record keeping, clerical, or public contact services that deal directly with the public, together with incidental storage and maintenance of necessary vehicles. This Use Type excludes Professional and Administrative Services. Typical Uses are governmental offices.
- b. **Community Recreation** - Recreational, social, or multi-purpose Uses typically associated with parks, play fields, golf courses, interpretive centers associated with parks, or community recreation buildings.
- c. **Cultural Exhibits and Libraries** - Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.
- d. **Essential Services** - Services necessary to support development such as installation and/or maintenance of utilities, services involving only minor structures such as lines and poles, phone booths, fire hydrants, bus stops, benches, and mailboxes.
- e. **Lodge, Fraternal, and Civic Assembly** - Meetings and activities primarily conducted for members of such groups. Excludes Group Residential, Group Care, and Lodging Services Use Types. Typical Uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations.
- f. **Schools** - Public and private educational facilities, excluding Vocational or Professional Training facilities, as defined in 3.0.30.03.ii. Refer to Section 4.9.70 for requirements for private schools, such as area per child and buffering requirements.
- g. **Major Services and Utilities** - Services and utilities that have substantial impacts. Such Uses may be permitted when the public interest supersedes the usual limitations placed on land use and the Uses transcend the usual restraints of the zone for reasons of necessary location and community-wide interest. Typical Uses include sanitary landfills, airports, hospitals, detention and correctional institutions, and mass transit waiting stations or turnarounds. Excludes the University Services and Facilities Use Type.
- h. **Minor Utilities** - Public utilities that have a local minor impact on surrounding properties. Typical Uses include electrical and gas distribution substations, wind generators, and radio facilities. Excludes Wireless Telecommunication Facilities Use Types.



Typical Uses include farmers' markets, community festivals, and seasonal sales of produce and Christmas trees.

**hh. Vocational or Professional Training** - Private businesses providing vocational or technical training services for adult learning that are not part of public or private K-12 educational uses, and are not part of an accredited institution of higher education.

**ii. Wholesale, Storage, and Distribution** - Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are Wholesaling, Storage, and Distribution Use Types:

1. **Mini-Warehouses** - Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental Uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant, but in no case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service Use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar Uses. Human occupancy shall be limited to that required to transport, arrange and maintain stored materials.
2. **Light** - Wholesaling, storage, and warehousing services within enclosed structures. Typical Uses include wholesale distributors, storage warehouses and moving and storage firms.
3. **Heavy** - Open-air storage, distribution, and handling of materials and equipment. Typical Uses include monument or stone yards and grain elevators.

#### **3.0.30.04 - Industrial Use Types**

Industrial Use Types include the on-site production of goods by methods not Commercial, Agricultural, or Extractive in nature. Also included is development that is Accessory to these Uses as specified in Chapter 4.3 - Accessory Development Regulations.

- a. Limited Manufacturing** - Establishments that employ 20 or fewer persons per shift unless otherwise specified by the applicable zone, do not involve outside storage of materials, do not require state or federal air quality discharge permits (except for parking), are compatible with nearby

located on public or private land, and managed collectively by a group for the purpose of growing food-producing or ornamental plants. Community Gardens are only accessory uses to Civic Use Types, except in the OSU zone or as required in the RS-12 and RS-20 zones. Examples of community gardens include, but are not limited to, neighborhood gardens, school gardens, therapeutic gardens, demonstration gardens, and gardens operated on public lands. End products are typically consumed by those tending the garden, but may also be donated, or sold on or off-site.

#### **3.0.30.06 - Extractive Use Types**

Extractive Use Types include the on-site production of mineral products by extractive methods. Also included is development that is Accessory to these Uses as specified in Chapter 4.3 - Accessory Development Regulations.

**Mining and Processing** - Surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical Uses are borrow pits, oil and gas drilling rigs, and concrete batch plants.

*[Section 3.0.30 amended by Ordinance 2012-00x, effective December X, 2012]*

- b) Parking Services
- c) Postal Services - Customer
- d) Public Safety Services

2. Commercial Use Types -

- a) Business Support Services
- b) Finance, Insurance, Real Estate Services
- c) Medical Services
- d) Professional and Administrative Services
- e) Research Services
- f) Technology and Support Services - less than 10,000 sq. ft.
- fg) Temporary Outdoor Markets
- h) Vocational or Professional Training - within buildings only

**c. Accessory Use Types Permitted Outright**

- 1. Day Care, Commercial Facility
- 2. Day Care, Family
- 3. Essential Services
- 4. Home Business - applicable to residential units, and as defined in Chapter 1.6 - Definitions
- 5. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
- 6. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations

## **Section 3.11.30 - DEVELOPMENT STANDARDS**

### **3.11.30.01 - Dimensional Requirements**

Lot size permitted or authorized in this zone shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the zone.

### **3.11.30.02 - Setbacks**

Setbacks from lot lines abutting the following:

- a. Residential Zones - Shall be equal to the most restrictive setback required in the abutting subject yards. This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No parking or loading areas or driveways shall occupy the landscaped buffer area.
- b. Streets - Minimum of 15 ft. from all street rights-of-way.
- c. All Other Zones - None.
- d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Building Code.

### **3.11.30.03 - Height of Structures**

- a. Structures in the P-AO Zone shall not exceed a height of 45 ft., or three stories, whichever is less.
- b. Where the P-AO Zone abuts an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the height of structures within the P-AO Zone shall be limited to a maximum of 30 ft. in height (generally two stories) within the first 50 ft. of the property line; and a maximum of 45 ft. in height when more than 50 ft. from contiguous residentially zoned property.

### **3.11.30.04 - Lot Coverage**



Table 3.14-1 - Use Types		
<b>P = Use Types Permitted Outright</b> <b>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</b> <b>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</b> <b>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</b> <b>N = Not Permitted</b>		
Use Types	Permit Procedure	
	Minor NC	Major NC
25. Spectator Sports and Entertainment a) Limited b) Other	CD N	PC CD
26. <del>Technical</del> <u>Technology and Support Services Center</u> - upper floors only	P	P
<del>27. Telemarketing Center - upper floors only</del>	P	P
<del>27</del> 8. Temporary Outdoor Markets - limited to farmers' markets and similar uses	PC	P
<u>28. Vocational or Professional Training - upper floors only</u>	<u>P</u>	<u>P</u>
d. <b>Residential Use Types</b> - Family, Group Residential, Group Residential/Group Care, Residential Care Facilities, Home Business <sup>4</sup>	P	P
e. <b>Residential Building Types</b> - Attached, Townhouse, Multi-dwelling. Any residential Building Type may be authorized through a Planned Development approval	PC	P
f. <b>Accessory Uses</b> <sup>5</sup>		
1. Essential Services - contained within enclosed building	P	P
2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P	P

<sup>4</sup> Single-family residential units approved and constructed prior to Annexation are allowed as Nonconforming Uses.

<sup>5</sup> All Accessory Uses shall comply with the provisions of Section 3.14.40.01.

**Table 3.14-1 - Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

Use Types		Permit Procedure	
		Minor NC	Major NC
3.	Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations	P/PC	P
4.	Day Care, Family, as defined in Chapter 1.6 - Definitions	P	P
5.	<u>Garden</u>	<u>P</u>	<u>P</u>
6.	<u>Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.</u>	<u>P</u>	<u>P</u>
7.	<u>Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.</u>	<u>P</u>	<u>P</u>
g.	Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 45 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements of Section 4.7.70.b of Chapter 4.7 - Sign Regulations.	N	PC

[Section 3.14.30 amended by Ordinance 2012-00x, effective December X, 2012]

stairways and lobbies are permitted on the ground floor adjacent to sidewalks.

t) Vocational or Professional Training

6. Industrial Use Types -

- a) Limited Manufacturing
- b) Technological Production

7. Parking Services - in accordance with this Chapter

**b. Accessory Uses Permitted Outright**

- 1. Essential Services
- 2. Day Care, Family - Accessory to a Permitted Residential Use
- 3. Home Business - when conducted in conjunction with a Permitted Residential Use
- 4. Off-street surface and/or structured parking - in accordance with this Chapter
- 5. Garden (Does not count toward FAR)
- 6. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions. (Does not count toward FAR)
- 7. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions. (Does not count toward FAR)
- 5.8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

**3.15.30.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development, and all other applicable provisions of this Code. Items allowable under Conditional Development include occupied towers or penthouses over 75 ft. high, per Section 3.15.40.02.

#### **3.15.30.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 Plan Compatibility Review, and all other applicable provisions of this Code.

- a. Minor Utilities - as projections only, subject to standards in Chapter 4.9 - Additional Provisions.
- b. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.15.30 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 3.15.40 - DEVELOPMENT STANDARDS**

#### **3.15.40.01 - Lot Area and Setback Requirements**

- a. The RF Zone has no minimum parcel area and no minimum setbacks, except as provided in "b," below, and as required for vision clearance, such as at parking structure entrances and intersections.
- b. A building's occupied space shall extend to the street along at least 75 percent of the property line at the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities that occupy 100 percent of the additional setback area. Enhanced pedestrian spaces and amenities consist of publicly accessed features including plazas, arcades, courtyards, lawns, outdoor cafes, widened sidewalks, benches, shelters, street furniture, or kiosks. Enhanced pedestrian spaces shall open to the sidewalk, include at least one adjoining entry into a building, and meet ground-floor development standards.



- 2) Bed & Breakfast
- q) Medical Services
- r) Participant Sports and Recreation - Indoor and Outdoor
- s) Professional and Administrative Services
- t) Repair Services - Consumer
- u) Research Services
- v) Retail Sales - General
- w) Spectator Sports and Entertainment
  - 1) Limited
  - 2) Other - Uses existing as of June 1, 2001
- x) Temporary Outdoor Markets
- y) ~~Technical~~ Technology and Support Services Center - upper floors only
- ~~z) — Telemarketing Center - upper floors only~~
- z) Vocational or Professional Training
- aa) Wholesaling, Storage, and Distribution
  - 1) Mini-warehouses
  - 2) Light

5. Industrial Use Type - Limited Manufacturing

**b. Accessory Uses Permitted Outright**

- 1. Essential Services
- 2. Day Care, Family - Accessory to a Permitted Residential Use

setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

- d. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- e. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- f. Spectator Sports and Entertainment - Other - Uses not already Permitted Uses per Section 3.16.20.01.a.4.w.2.

#### **3.16.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

- a. Drive-through Facilities - such as Financial Institutions, Eating Establishments, etc.
- b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- c. Projections such as chimneys, spires, domes, and towers flagpoles, not used for human occupancy exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- d. Freestanding Wireless Telecommunication Facilities up to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.16.20 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 3.16.30 - DEVELOPMENT STANDARDS**

**Table 3.19-1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i>Use Types</i>		<i>Permit Procedure</i>		
		No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
a)	Light Equipment Sales/Rentals - including use outside of building	P		
b)	Car Wash	P		
5.	Fuel Sales	P		
6.	Building Maintenance Services	P		
7.	Business Equipment Sales and Services	P		
8.	Business Support Services	P		
9.	Communication Services	P		
10.	Construction Sales and Services	P		
11.	Convenience Sales and Personal Services - except Drive-through Facilities -10,000 sq. ft. maximum Use size		P	P (10,000 sq. ft. max. Use size)
12.	Day Care, Commercial Facility	P		
13.	Drive-through Facilities	CD		
14.	Eating and Drinking Establishments - except Drive-through Facilities -10,000 sq. ft. maximum Use size		P	P (10,000 sq. ft. max. Use size)
15.	Financial, Insurance, and Real Estate Services	P		
16.	Food/Beverage Retail Sales - except Drive-through Facilities -10,000 sq. ft. maximum Use size		P	P (10,000 sq. ft. max. Use size)

**Table 3.19-1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<b>Use Types</b>		<b>Permit Procedure</b>		
		No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
17.	Funeral and Interment Services - Cremating and Undertaking	P		
18.	Laundry	P		
19.	Lodging Services - Hotels/Motels		P	CD
20.	Medical Services		P	CD
21.	Participant Sports and Recreation - Indoor		P	CD
22.	Professional and Administrative Services - above ground floor only		P	PC
23.	Repair Services - Consumer	P		
24.	Research Sales and Services	P		
25.	Retail Sales -15,000 sq. ft. maximum Use size		P	PC (15,000 sq. ft. max. Use size)
26.	Spectator Sports and Entertainment - Limited		P	CD
27.	Swap Meets		PC	CD
28.	<del>Technical</del> <u>Technology and Support Services Center</u>		P	CD
<del>29.</del>	<del>Telemarketing Center</del>		P	<del>CD</del>
<del>30.</del>	<del>Temporary Outdoor Markets</del>		PC	CD
<u>30.</u>	<u>Vocational or Professional Training</u>		<u>P</u>	<u>CD</u>

[Section 3.19.30 amended by Ordinance 2012-00x, effective December X, 2012]



**Table 3.20 - 1**  
**Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i><b>Use Types</b></i>	<i><b>Permit Procedure</b></i>
6. Fuel Sales	P
7. Funeral and Interment Services - Cremating and Undertaking	P
8. Laundry - industrial laundry and cleaning services only	P
9. Parking Lot Kiosk	P
10. Participant Sports and Recreation -	P
a) Indoor	
b) Outdoor	
11. Repair Services - Industrial or business related only	P
12. Lodging Services	
a) Hotel/Motel	N
b) Campgrounds	CD
<u>13. Vocational or Professional Training</u>	<u>P</u>
<u>14. Wholesale, Storage, and Distribution</u>	P
<b><u>d. Agricultural Use Types</u></b>	
<u>1. Horticulture - Cultivation, and Storage</u>	<u>P</u>
<b><u>d. e. Accessory Uses - contained within enclosed building</u></b>	
1. Day Care, Commercial Facility	P
2. Essential Services	P
3. Food and Beverage Retail Sales	P

## **Section 3.20.40 - DEVELOPMENT STANDARDS**

### **3.20.40.01 - Use and Building Size Limitations**

The maximum building footprint within the MUGC Zone is 55,000 sq. ft., which does not include outside storage associated with a Use. There are no minimum or maximum sq. ft. limitations for Uses in the MUGC Zone.

### **3.20.40.02 - Lot Area**

No minimum or maximum lot area standards are established in the MUGC Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this Zone.

### **3.20.40.03 - Setbacks**

- o **Front and Exterior Side Yard** - 10 ft. minimum and 25 ft. maximum setback. Buildings interior to a development site are exempt from this requirement provided other building(s) on the site meet the requirement. In no case shall parking facilities or circulation facilities, such as driveways and queues, be allowed between the building front and the street.
- o **Interior Side Yard** - 10 ft. minimum setback.
- o **Rear Yard** - 10 ft. minimum setback.

### **3.20.40.04 - Building Orientation**

- a. All new buildings shall comply with Section 3.20.40.10 - Pedestrian Oriented Design Standards, below.
- b. **Transit-oriented Development** - In addition to the requirements of "a," above, when a building is located within 100 ft. of an existing or planned transit stop or route, the building and at least one of its entrances shall be oriented to the transit stop or route. This criterion is met by facing the entrance toward the bus stop or route and providing a direct pedestrian connection between the bus stop or route and the entrance, in conformance

**Table 3.21-1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i><b>Use Types</b></i>	<i><b>Permit Procedure</b></i>
24. Repair Services - Consumer	P
25. Research Services	P
26. Retail Sales	P
27. <u>Spectator Sports and Entertainment -</u>	
a) Limited	P
b) Other - Indoor facilities only	CD
28. <del>Technical</del> <u>Technology and Support Services Center</u>	P
<del>29. Telemarketing Center</del>	P
<del>3029.</del> University Related Services	P
<u>30. Vocational or Professional Training</u>	<u>P</u>
31. Wholesaling, Storage and Distribution	P
<b>c. Industrial Use Types</b>	
1. Limited Manufacturing - fewer than 20 employees per acre and not requiring a state or federal air quality discharge permit, except for parking	P
2. General Industrial - subject to limitations in Section 3.27.40 of Chapter 3.27 - Mixed Use Employment (MUE) Zone	CD
3. Intensive Industrial - limited to properties zoned Intensive Industrial at the time of change to MUT, and subject to limitations in Section 3.27.40 of Chapter 3.27 - Mixed Use Employment (MUE) Zone	CD



<p align="center"><b>Table 3.21-1</b>  <b>Permitted Use Types</b></p> <p><b>P = Use Types Permitted Outright</b>  <b>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</b>  <b>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</b>  <b>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</b>  <b>N = Not Permitted</b></p>	
<b><i>Use Types</i></b>	<b><i>Permit Procedure</i></b>
8. <u>Garden</u>	<u>P</u>
9. <u>Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>
10. <u>Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>

*[Section 3.21.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.21.40 - DEVELOPMENT STANDARDS FOR GENERAL AND INTENSIVE INDUSTRIAL USES**

- a. All General Industrial Uses shall conform to the development standards of the General Industrial Zone.
- b. All Intensive Industrial Uses shall conform to the development standards of the Intensive Industrial Zone unless specified otherwise.

#### **Section 3.21.50 - DEVELOPMENT STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES**

The following provisions identify development standards within the MUT Zone for all development of a Civic, Commercial, Limited Manufacturing, or Residential Use Type.

##### **3.21.50.01 - Minimum Lot Area and Setback Requirements**



**Table 3.22 - 1 - Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<b>Use Types</b>	<b>Permit Procedure</b>
<u>12.</u> <u>Vocational or Professional Training</u>	<u>P</u>
<b>d.    Industrial Use Types</b>	
1.    Limited Manufacturing - does not require a state or federal air quality discharge permit, but may include more than 20 employees per shift	P
2.    Technological Production	P
<b>e.    <u>Agricultural Use Types</u></b>	
<u>1.</u> <u>Row and Field Crops</u>	<u>P</u>
<u>2.</u> <u>Tree Crops</u>	<u>P</u>

## **Section 3.22.40 - LI-O DEVELOPMENT STANDARDS**

### **3.22.40.01 - Lot Area**

No minimum or maximum lot area standards are established for the LI-O Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this Zone.

### **3.22.40.02 - Setbacks**

- a. Front Yard and Exterior Side Yard** - 25 ft. minimum and 40 ft. maximum setback. Through the procedures identified in Section 3.22.40.08.c, an exception of up to 100 percent of the maximum setback may be granted for Industrial Use Types with certain characteristics and that are located along a Gateway Street.
- b. Interior Side Yard** - 25 ft. minimum setback.
- c. Rear Yard** - 25 ft. minimum setback.

### **3.22.40.03 - Gateway Standards**

Standards in Section 4.2.70 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall apply to development along a Gateway Street, as designated by the Comprehensive Plan.

### **3.22.40.04 - General Landscaping Standards**

All developments shall conform to the requirements of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, the following standards shall apply to developments in the LI-O Zone:

- a. Landscaping Between LI-O Zone and Other Zones** - Landscaping and screening shall be required between property zoned LI-O and other zones, and shall consist of a combination of ground cover, shrubbery, and trees and fences and/or walls in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, when a site abuts a residential or mixed use zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the parcel

f) Vocational or Professional Training - 20 or fewer employees per shift

eg) Wholesaling, Storage, and Distribution - Light

3. Industrial Use Type -

Limited Manufacturing - 20 or fewer employees per shift and does not require a state or federal air quality discharge permit, except for parking

4. Agricultural Use Types -

a) Horticulture

1) Cultivation

2) Storage

b) Packing and Processing - Limited

c) Row and Field Crops

d) Tree Crops

**b. Accessory Uses Permitted Outright**

1. Essential Services

2. One residence per development site - developed simultaneously with or following development of Primary and Accessory Uses permitted outright.

3. Required off-street parking for Uses permitted in the Zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

4. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.

5. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not

- f. ~~Technical Technology and Support Services Center~~ - more than 20 employees per shift.
- g. ~~Telemarketing Center - more than 20 employees per shift.~~
- g. Vocational or Professional Training - more than 20 employees per shift.

### **3.23.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

- a. Any lot with more than one accessway 24 ft. or wider.
- b. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions.
- c. Projections such as chimneys, spires, domes and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions, unless adjacent to an RS-1, RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.23.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.23.30 - DEVELOPMENT STANDARDS**

### **3.23.30.01 - Lot Area**

Lots shall be adequate to fulfill applicable Code requirements and standards of this Zone.

### **3.23.30.02 - Setbacks**

- a. **Boundary Area -**
  - 1. A setback of not less than 25 ft. shall be provided along each LI Zone boundary line abutting any Residential, Agriculture-Open Space, or



- 2) Kennels
- 3) Auctioning
- d) Automotive and Equipment
  - 1) Fleet Storage
  - 2) Repairs - Heavy Equipment
  - 3) Sales/Rentals of Farm and Heavy Equipment  
Note: Sales/Rentals of Light Equipment requires a Conditional Development Review
- e) Building Maintenance Services
- f) Construction Sales and Services
- g) Laundry Services
- h) Research Services
- i) Scrap Operations
- j) ~~Technical~~ Technology and Support Services Center
- ~~k) Telemarketing Center~~
- lk) Temporary Outdoor Markets
- l) Vocational or Professional Training
- m) Wholesaling, Storage, and Distribution
  - 1) Light
  - 2) Mini Warehouses

3. Industrial Use Types -

- a) General Industrial

- b. Freestanding Wireless Telecommunication Facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- d. Colocated/attached Wireless Telecommunication Facilities that increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.24.20.03 -General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

- a. Explosive or Fuel Storage
- b. Major Services and Utilities
- c. Projections such as chimneys, spires, domes, and towers, not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles subject to requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations

[Section 3.24.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.24.30 - DEVELOPMENT STANDARDS**

### **3.24.30.01 - Lot Area**

Lots shall be adequate to fulfill applicable Code requirements and minimum standards of this Zone.

### **3.24.30.02 - Setbacks**

#### **a. Boundary Area -**

- 1. A setback of not less than 100 ft. shall be provided from any residential, Agriculture-Open Space, or Willamette River Greenway property line. Off-street parking and loading shall be permitted in this

- c) Professional and Administrative Services - minimum building size of 800 sq. ft.
  - d) Research Services
  - e) ~~Technical~~ Technology and Support Services Center
  - f) ~~Telemarketing Center~~
  - f) Vocational or Professional Training
3. Commercial and Residential Use Types - with the exception of Temporary Outdoor Markets, the following Use Types are subject to the special limitations specified in Section 3.26.40
- a) Business Equipment Sales and Service
  - b) Business Support Services
  - c) Convenience Sales and Personal Services
  - d) Eating and Drinking Establishments - Sit-down, where it exceeds the single allowed Eating and Drinking Establishment for the entire site
  - e) Financial, Insurance, and Real Estate Services
  - f) Day Care, Commercial Facilities
  - g) Participant Sports and Recreation
  - h) Convenience Sales and Personal Services
  - i) Temporary Outdoor Markets
4. Industrial Use Types -
- a) Limited Manufacturing
  - b) Technological Production
  - c) Wholesaling, Storage, and Distribution - Light

mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- d. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

#### **3.26.30.03 - General Development**

Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

- a. Major Services and Utilities
- b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- c. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations
- d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.26.30 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 3.26.40 - DEVELOPMENT STANDARDS**

The Conceptual Development Plan for the entire RTC site shall comply with the standards listed below. When the Planning Commission reviews a proposed Conceptual Development Plan for the entire RTC site, it shall also ensure that the plan limits the Uses specified in Section 3.26.30.01.a.3 to 20 percent or less of the gross floor area of the development site.

The purpose of special limitations regarding the Uses in Section 3.26.30.01.a.3 is to ensure that the proposed Use or Uses will serve the shopping and service needs primarily of employees and businesses of the Uses in the RTC site. Building Permits for these Commercial Uses shall be approved only when subordinate to other existing RTC development. Permits for these subordinate Uses shall be issued concurrent with or



- jk) Eating and Drinking Establishments - Sit-down - 30 seats or less
- kl) Financial, Insurance, and Real Estate Services
- lm) Food and Beverage Sales
- mn) Laundry Services\*
- no) Participant Sports and Recreation - Indoor facilities limited to less than 299 capacity
- op) Professional and Administrative Services
- pq) Repair Services - Consumer\*
- qr) Research Services\*
- rs) Retail Sales -General - limited to 10,000 sq. ft. of floor area per building
- st) ~~Technical~~ Technology and Support Services Center - 20 or fewer employees per shift\*
- ~~t) Telemarketing Center - 20 or fewer employees per shift~~
- u) Temporary Outdoor Markets\*
- v) Vocational or Professional Training\*
- vw) Wholesaling, Storage and Distribution\*(Only Light, and Mini-Warehouses can count towards Industrial FAR)

5. Industrial Use Types -

- a) Limited Manufacturing - 20 or fewer employees per shift and does not require a state or federal air quality discharge permit, except for parking
- b) General Industrial Uses in association with sales

mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- ml.** Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.27.30.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

- a.** Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- b.** Transit Facilities
- c.** Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 55 ft. in height - unless the height limit for the subject property is 75 ft. per Section 3.27.40.03, in which case the threshold is 75 ft., in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements of Section 4.7.70.b.
- d.** Non-industrial Uses that exceed the square footage of Industrial Uses. Note: Commercial Use Types listed in Section 3.27.30.01.a.4 and classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones may be considered as Industrial Uses for the purposes of calculating these square footages.
- e.** Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

[Section 3.27.30 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 3.27.40 - DEVELOPMENT STANDARDS**

The following provisions identify development standards within the MUE Zone.

#### **3.27.40.01 - Preservation of Industrial Land Supply**

installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

- f. The developer shall be responsible for making necessary arrangements with Franchise Utility providers for provision of plans, timing of installation, and payment for services installed. Plans for Franchise Utility installations and plans for public improvements shall be submitted together to facilitate review by the City Engineer.
- g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

#### **Section 4.0.100 - LAND FOR PUBLIC PURPOSES**

- a. Easements for public sanitary sewer, water, storm drain, streetlight, transit, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- b. Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations. In areas where such a utility easement is not compatible with the existing development pattern, the Director may require that the utility easement be placed in an alternate location, as recommended by the City Engineer and affected utility companies.
- c. Where a development site is traversed by a drainageway or water course, improvements shall be in accordance with the Corvallis Storm Water Master Plan and the Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
- d. Where a development site is traversed by, or adjacent to, a future trail linkage identified in the Corvallis Transportation Plan or the Trails Master Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, based on the appropriate standard for the type of trail facility involved.
- e. Where street, trail, utility, or other rights-of-way and/or easements in or adjacent to development sites are nonexistent or of insufficient width, dedications may be



- h. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 4.0.100 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.0.110 - MAIL DELIVERY FACILITIES**

- a. Placement of mail delivery facilities shall consider locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements. Where mail delivery facilities are being installed in conjunction with a Land Division, their placement shall be indicated on the plans for public improvements and meet the approval of the City Engineer and the U.S. Post Office.
- b. Where mail delivery facilities are proposed for installation in areas with an existing or future curbside sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.
- c. Mail delivery facilities and associated sidewalk transitions, when sidewalk transitions are necessary, around these facilities shall conform with the City's standard construction specifications. Mailboxes shall conform with the U.S. Post Office standards for mail delivery facilities.
- d. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

#### **Section 4.0.120 - PONDING AREAS AND FLOOD HAZARDS**

Ponding and flood hazards inside Special Flood Hazard Areas shall comply with the provisions in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions. For ponding or flood hazards outside Special Flood Hazard Areas, the following shall apply:

- a. Areas subject to ponding of surface water or flooding shall not be developed until necessary measures have been taken to mitigate the situation. Such measures may be required by the Planning Commission or the Director as conditions of development approval.



- c) Pre-developed runoff conditions for redeveloped impervious area shall assume a runoff pattern based on good condition grass and the corresponding native hydrologic soil group for the site. Detention shall not be required beyond the point at which gravity flow to the existing abutting storm drainage system cannot be feasibly maintained, as determined during development plan review.

3. Exemptions to Storm Water Detention Requirements -

- a) Properties east of the Marys River and south of Highway 20/34 (specifically identified in the Storm-water Master Plan as the Mill Race Basin, the Goodnight Basin, properties draining or piped directly into the Mary's River or Willamette River, and areas subject to the South Corvallis Drainage Master Plan) are exempt from detention requirements because of their proximity to the Marys River or Willamette River and the need for quick dispersion of storm water.
- b) Properties subject to Section 4.0.130.b.2, above, may subtract the square footage of underground parking or of each level of structured parking from the square footage subject to detention requirements.

4. Storm water facilities south of Goodnight Avenue shall be constructed in accordance with the requirements of the South Corvallis Drainage Master Plan.

- c. Use of water quality features shall be consistent with the Corvallis Design Criteria Manual. Water quality features within the regulated Riparian Corridor shall be located outside of the applicable riparian easement area. The riparian easement shall be re-vegetated consistent with Sections 4.13.50.d.1 and 4.13.50.d.2 of Chapter 4.13 - Riparian Corridor and Wetland Provisions.
- d. Use of infiltration systems is allowed consistent with the Corvallis Design Criteria Manual.

[Section 4.0.130 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.0.140 - ROUGH PROPORTIONALITY**

If an applicant intends to assert that it cannot legally be required, as a condition of Building Permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the Building Permit or site plan review application shall include a rough proportionality report in accordance with the provisions of Section 1.2.120 of Chapter 1.2 - Legal Framework.

- b) Bicycles - 20 percent of required vehicle parking.
- 28. Swap Meets - One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. where there are no fixed seats.
- 29. Technical Technology and Support Services, except Data Center - One space per 150 sq. ft. of gross floor area.
  - a) Data Center - One space per 5,000 sq. ft. of gross floor area or one space per employee on the largest shift, whichever is greater.
- ~~30. Telemarketing Center - One space per 150 sq. ft. of gross floor area.~~
- 30. Vocational or Professional Training -
  - a) Vehicles - One space per every three students.
  - b) Bicycles - One space per every three students, plus 25% of the number of required vehicle parking spaces.
- 31. Wholesaling, Storage, and Distribution - One space per 5,000 sq. ft. of gross floor area.

**d. Industrial Use Types -**

*Unless noted otherwise, number of spaces refers to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or two bicycle spaces, whichever is greater. However, where fewer than three vehicle spaces are required, then only one bicycle parking space shall be required.*

- 1. Limited Manufacturing - One space per 400 sq. ft. of gross floor area or one space per employee on the largest shift, whichever is greater.
- 2. Technological Production, General Industrial, Intensive Industrial - One space per 1,000 sq. ft. of gross floor area or one space per employee on the largest shift, whichever is greater.

**e. Agricultural Use Types - Exempt.**

**f. Extractive Use Types - Exempt.**

**g. Central Business (CB) and Riverfront (RF) Zones Parking Requirements -**

- 1. Parking Minimums - The minimum automobile parking requirements for the Central Business (CB) and Riverfront (RF) Zones are described below:

additional parking is structured, in a subsurface or multi-storied fashion, and meets one of the following additional requirements:

- 1) The additional spaces are made available through a long-term agreement for public use;
  - 2) The additional spaces are made available through a long-term agreement for use by another development to meet its parking requirement; or
  - 3) After a long-term agreement covered under "1," or "2," above, has run out, the additional spaces become necessary to meeting parking standards for an expansion of the building for which the parking structure was originally constructed.
4. Location of Required Parking - Required parking shall be provided on property located within the Central Business (CB) and Riverfront (RF) Zones and within 750 feet of any new development.
  5. Bicycle Parking - Bicycle parking minimums shall be provided based upon the bicycle parking requirements described in Section 4.1.30, Subsections "a," through "f," for each specific Use Type.
  6. Lot Development Option Process Not Available for Parking Reductions - With the reduction of the minimum number of required parking spaces in the Central Business (CB) and Riverfront (RF) Zones, the process in Chapter 2.12 - Lot Development Option shall not be used to further reduce the minimum requirements.

*[Section 4.1.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS**

All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets shall be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this Section and the City's Off-street Parking and Access Standards, established by the City Engineer and as amended over time. A permit from the Development Services Division shall be required to construct parking, loading, and access facilities, except for Single Detached, Duplex, Single Attached, and Attached Building Types; and Manufactured Dwellings.

##### **a. Access to Arterial, Collector, and Neighborhood Collector Streets**

1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back-up movement onto Arterial Streets.



to 50 percent for Residential Uses on an undeveloped lot zoned RS-3.5, for lots less than 1/4 acre (10,890 sq. ft.) in size, or on a lot containing residential structure(s) constructed prior to December 31, 2006, in any residential zone;

12. Increasing the fence height outside of Vision Clearance Areas by up to 33 percent;
13. Increasing the use size limitations up to 20% in the Mixed Use Community Shopping (MUCS) Zone. Increases in excess of 20% shall be processed through the Planned Development process in Chapter 2.5 - Planned Development.
14. Decreasing the designated Solar Access by up to 20 percent, except as provided in Chapter 4.6 - Solar Access; ~~and~~
15. Increasing the block perimeter distances in Section 4.0.60.o by more than 50 percent, to minimize impacts to: slopes greater than 15 percent, public parks, Significant Natural Features, existing street and/or existing development patterns, and/or access management considerations, as determined by the City Engineer.
16. In addition to the thresholds identified above and in Item # 17 below, the following thresholds are allowed for lots less than 1/4 acre in size (10,890 sq. ft.):
  - a. Reducing the required front, side, and rear yard setbacks to no less than the corresponding minimum existing setback for legal development of primary structures (conforming or nonconforming) on any adjacent lot, if the adjacent lot is within the same zone;
  - b. Reducing side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) by up to 100 percent. (Building Code may require special construction techniques and materials for structures near property lines);
  - c. Increasing the height of a primary structure up to the height of a legal primary structure (conforming or non-conforming) on any adjacent lot (if the adjacent lot is within the same zone);



d. Decreasing the required lot area to the lot area of any adjacent legally-created lot within the same zone, if both lots will contain the same building type. To be applied only to lots created through the Minor Land Partition or Minor Replat process described in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments; and

e. Decreasing required lot width to the width of any adjacent, legally-created lot, excluding accessway widths required for flag lots created through the Minor Land Partition or Minor Replat process.

4517. Adjusting up to 20 percent, other applicable clearly measurable development standards not addressed in "1" through "14," above, except that Floor Area Ratios (FARs) may not be varied because they are a required method of assuring that the land supply for commercial and industrial uses is not diluted in commercial and industrial zones where FAR restrictions are cited.

**i. Major Lot Development Option Thresholds -**

1. Major Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that exceed the Minor Lot Development Option thresholds in Section 2.12.30.03.g, above. The Major Lot Development Option process shall apply to all Zones; and

~~2. Major Lot Development Option requests may be filed only for residential uses on existing individual residentially zoned lots or parcels, or for individual residential lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land Partition process.~~

~~32.~~ A request to vary from the requirements of Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option, except for variations allowed per LDC Section 4.0.60.o, which shall be processed as a Minor Lot Development Option.

j. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined respectively in "a" through "i," above, need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

## **CHAPTER 4.3**

### **ACCESSORY DEVELOPMENT REGULATIONS**

#### **Section 4.3.10 - PURPOSE**

These provisions are intended to establish the relationship between Primary and Accessory development and to specify criteria for regulating Accessory developments.

#### **Section 4.3.20 - ACCESSORY USES ENCOMPASSED BY PRINCIPAL USES**

In addition to the designated Primary, Accessory, Special, or Ministerial Development Uses, each zone shall provide for Accessory developments identified in this Chapter. When a proposed Accessory Use is not specified, the Director shall determine the appropriateness of the Use and whether it is customarily associated with, and subordinate to, the Primary development. The Director shall base the decision on the similarity of the proposed Accessory development to those developments specifically identified as Accessory to the Primary developments, and on the relationship between the proposed Accessory development and Primary development. The Director's determination shall be made in accordance with procedures in Chapter 2.16 - Request for Interpretation.

#### **Section 4.3.30 - ACCESSORY DEVELOPMENTS SUBJECT TO CONTROLS**

Accessory developments shall be subject to the same requirements as the Primary Uses within each zone, except as otherwise provided below:

- a. Accessory development involving Nonconforming Uses and Nonconforming Structures is subject to the requirements of Chapter 1.4 - Nonconforming Development;
- b. In a residential zone, a side and/or rear yard setback may be reduced to three ft. for an Accessory Structure located behind the nearest facade of the primary structure in relation to the front yard of the residence. Vision clearance standards shall be maintained. ~~erected more than 60 ft. from property lines adjacent to streets other than an alley;~~
- c. In a residential zone, the rear yard of a corner lot may be reduced to eight ft. for an Accessory Structure and its projections, when the Accessory Structure is erected more than 25 ft. from property lines adjacent to streets;
- d. Fences shall be considered Accessory Structures and are subject to the requirements of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting;



- e. An Accessory Structure shall not exceed a height of 14 ft. nor occupy more than 35 percent of a required yard; ~~and~~
- f. Patios and decks not exceeding 30 in. in height from grade and open to the sky are considered Accessory Structures, but shall require review in accordance with Chapter 2.13 - Plan Compatibility when they are within five ft. of any property line; and
- g. Accessory structures commonly integrated into fencing and garden designs, such as Arbors, Pergolas, and Trellises, are permitted within required front, side, and rear yard setbacks, and may be up to 10 feet in height, provided the structure is at least 50% open above the height at which an opaque fence in the same location would be permitted in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. However, within front yard setback areas, the cumulative width of such structures, as measured parallel to the lot's front property line, may be no more than 15 feet. Vision clearance standards shall be maintained and the building code may require special construction techniques and materials for structures near property lines.

*[Section 4.3.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.3.40 - RESIDENTIAL USE TYPES**

- a. Accessory Structures shall not ~~become additional permanent living areas~~ have bedrooms or sleeping rooms and, with the exception of decks, shall be detached from the primary residence.
- b. Subject to the restrictions and limitations specified in this Code, the following types of Accessory Structures shall be permitted in zones where Residential Use Types are permitted:
  - 1. Private garages;
  - 2. Children's playhouses;
  - 3. Radio and television antennas - personal use;
  - 4. Sheds;
  - 5. Shops;

existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.

#### **3.6.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.



- a. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- b. Colocated/attached facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- c. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- d. Commercial Use Types in existence as of December 31, 2006, such as Automotive and Equipment-Light Equipment Repairs and Light Equipment Sales and Rentals, in the RS-12 Zone at 2220 SW Third Street (Assessor's Map #12-5-11BC, Tax Lot 700 and 701), shall not be classified as nonconforming development. Upon further development, perimeter buffers shall be established consistent with Shopping Area Zone standards in effect at the time land use application LDT 94-1 was approved
- e. Expansion of Offices, as defined in Chapter 1.6 - Definitions, in existence prior to December 31, 2006
- f. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.6.60
- g. Cultural Exhibits and Library Services
- h. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- i. Funeral and Interment Services - Interring and Cemeteries
- j. Lodges, Fraternal and Civic Assembly
- k. Major Services and Utilities
- l. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- m. Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006

- n. Participant Sports and Recreation - Indoor and Outdoor
- o. Schools

### 3.6.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.6.20 amended by Ordinance 2012-00x, effective December X, 2012]*

### Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

**Table 3.6-1**

	<b>Standard</b>
<b>a.</b> Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
<b>b.</b> Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
<b>c.</b> Minimum Lot Area	2,200 sq. ft. per dwelling unit
<b>d.</b> Minimum Lot Width	25 ft.

25 percent of the total outdoor space requirement pertaining to both Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

#### **3.6.50.06 - Location of Green Area**

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

- a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;
- b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.6.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.6.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominant purpose of the RS-12 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for Residential Use~~ should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type,

using the review criteria below.

**3.6.60.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006;

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

**3.6.60.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the Uses permitted in Section 3.6.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:

1. Providing factual data and information on the potential costs of using the structure for Residential Use compared to estimated potential rent or purchase prices for tenants or owners. Factual data and information on the potential costs of using the structure for Residential Use shall pertain to items such as heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and
2. Demonstrating that an earnest effort has been made to retain the structure for Residential Use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

**OR**

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting ~~both~~ either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and 2: Demonstrating that



substantial alterations would be necessary to retain the structure for Residential Use and that alterations would result in the loss or reduction of Historical Significance or architectural significance;

OR

2. Showing that the structures, or portions of structures, proposed to be converted meet the locational criteria from 3.4.50.01.b; and demonstrating that the proposed conversion is consistent with the Zone Change Review Criteria in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9<sup>th</sup> Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

#### **3.6.60.03 - Development Site Design**

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans in addition to the site plan required in Chapter 2.3 - Conditional Development that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling pertaining to major structural changes;
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.6.60.04 - Required Off-Street Parking**

The City recognizes that Section 3.6.60 ~~generally~~ sometimes applies to large structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development

have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.6.60 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.6.70 - REDEVELOPMENT OF EXISTING OFFICES**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements, even if these requirements interfere with the redevelopment.

### **Section 3.6.80 - MIX OF HOUSING TYPES**

A mix of permitted Housing Types is encouraged in the RS-12 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

### **Section 3.6.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS**

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-12 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and
- c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

### **Section 3.6.100 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.6.30 "m" through "q," and "s," variations from development and design standards, such as the standards in this

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model dwelling units
8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

#### **3.7.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 10 ft., subject to the standards in



#### Chapter 4.9 - Additional Provisions.

- b. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- c. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- d. Expansion of Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006
- e. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.7.60
- f. Cultural Exhibits and Library Services
- g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- h. Funeral and Interment Services - Interring and Cemeteries
- i. Lodges, Fraternal and Civic Assembly
- j. Major Services and Utilities
- k. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- l. Participant Sports and Recreation - Indoor and Outdoor
- m. Schools

#### **3.7.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in



Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.7.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.7.30 - RS-12(U) DEVELOPMENT STANDARDS**

**Table 3.7-1 - RS-12(U) Development Standards - Standards Option**

	Standard
a. Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c. Minimum Lot Area	2,200 sq. ft. per dwelling unit
d. Minimum Lot Width	25 ft.
e. Setbacks	
1. Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2. Rear yard and Side yards	5 ft. minimum <del>and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
Interior attached townhouses exempt from interior side yard setbacks.	
a) Single Detached	5 ft. minimum each side yard
b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side <sup>1</sup>
c) Duplex and Multi-Dwelling	10 ft. minimum each side
d) Abutting a more restrictive zone	10 ft. minimum
3. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street.</del> and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also "k," and "l," below.	

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

multi-use paths;

- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.7.50 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.7.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominant purpose of the RS-12(U) Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, location, or age, cannot be successfully, economically, and fully utilized for Residential Use should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

#### **3.7.60.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006.

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

#### **3.7.60.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the Uses permitted in Section 3.7.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
  - 1. Providing factual data and information on the potential costs of using the structure for Residential Use compared to estimated potential rent or purchase prices for tenants or owners. Factual

data and information on the potential costs of using the structure for Residential Use shall pertain to items such as heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and

2. Demonstrating that an earnest effort has been made to retain the structure for Residential Use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

**OR**

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting ~~both~~ either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and ~~2:~~ Demonstrating that substantial alterations would be necessary to retain the structure for Residential Use and that alterations would result in the loss or reduction of Historical Significance or architectural significance.

**OR**

2. Showing that the structures, or portions of structures, proposed to be converted meet the locational criteria from 3.4.50.01.b; and demonstrating that the proposed conversion is consistent with the Zone Change Review Criteria in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9<sup>th</sup> Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

### **3.7.60.03 - Development Site Design**

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

- a. Proposed exterior facade treatment;



- b. Interior remodeling pertaining to major structural changes;
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.7.60.04 - Required Off-Street Parking**

The City recognizes that Section 3.7.60 ~~generally~~ sometimes applies to ~~large~~ structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.7.60 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.7.70 - REDEVELOPMENT OF EXISTING OFFICES**

Existing Offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements, even if these requirements interfere with the redevelopment.

### **Section 3.7.80 - MIX OF HOUSING TYPES**

A mix of permitted Housing Types is encouraged in the RS-12(U) Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

### **Section 3.7.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS AND ADDITIONAL DESIGN STANDARDS**

#### **3.7.90.01 - Chapter 4.10 - Pedestrian Oriented Design Standards**



- f. Garage or carport with exterior materials the same as the main unit; and
- g. Compliance with the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards.

#### **Section 4.9.30 - MINOR UTILITIES**

Minor Utilities as defined in Chapter 3.0 - Use Classifications, require Conditional Development approval in accordance with Chapter 2.3 - Conditional Development when placed in a residential zone, or Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review when located in a commercial zone. In addition to complying with these review criteria, Minor Utilities shall meet the following siting standards:

- a. The setback from the base of a Minor Utility structure to any lot in an adjoining residential zone shall be at least 20 percent of the structure height.
- b. If scientifically validated evidence demonstrates the level of electric magnetic fields (EMFs) produced by the Minor Utility poses a health hazard based on nationally accepted standards, the City Council may require removal of the Minor Utility after conducting a public hearing in accordance with Chapter 2.0 - Public Hearings.

#### **Section 4.9.40 - ACCESSORY DWELLING UNITS IN THE RS-1, RS-3.5, RS-5, RS-6, RS-9, ~~AND RS-9(U)~~, RS-12, RS-12(U), AND RS-20 ZONES**

Accessory Dwelling Units (ADUs) constructed between March 14, 1996, and April 30, 1998, in accordance with Code provisions in effect at that time shall be recognized as legal conforming Uses and structures. ADUs constructed after April 30, 1998, shall be recognized as legal conforming Uses and structures if they were constructed in accordance with standards in this Section. To be considered legal conforming Uses and structures, ADUs also shall be constructed with applicable Building Permits and follow established City procedures.

In addition to complying with the specific requirements of the zone, ADUs are subject to special development provisions. The developer can choose to develop the ADU in accordance with the Ministerial Development Option or the General Development Option listed below.

ADU shall be 8,000 and 6,000 sq. ft, respectively;

- l. In the RS-6, RS-9, ~~and RS-9(U)~~, RS-12, RS-12(U), and RS-20 Zones, the minimum lot area to establish an ADU shall be 3,500 sq ft. for a detached unit and 2,500 sq. ft. for an attached unit;
- m. Prior to issuance of a Building Permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the Building Permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and
- n. Only one ADU shall be allowed on a lot or contiguous lots under one ownership.

#### **4.9.40.02 - General Development Option -**

Accessory Dwelling Units under this option shall meet the following standards.

- a. **Purpose** - This option is intended to minimize compatibility concerns related to ADUs with respect to architecture, window design, primary entry door location and the related walkway to this door, while facilitating the development of ADUs. The following provisions implement related Comprehensive Plan policies.
- b. **Procedures** - When an ADU development application is filed using the General Development Option, it shall be reviewed in accordance with the procedures specified in Chapter 2.13 - Plan Compatibility Review. However, the criteria for review shall be those specified in "c," below.
- c. **Review Criteria** - In addition to complying with the specific requirements of the zone, ADUs are subject to the following provisions:
  - 1. The owner of the lot must occupy either the primary residence or the ADU;
  - 2. Adequate provisions shall be made for drainage, water, and sewage waste;

10. In the RS-6 Zone, the minimum lot area to establish an ADU shall be 6,500 sq. ft.;
11. In the RS-9 ~~and RS-9(U)~~, RS-12, RS-12(U), and RS-20 zones, the minimum lot area to establish an ADU shall be 5,000 sq. ft.;
12. Prior to issuance of a Building Permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the Building Permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and
13. Only one ADU shall be allowed on a lot or contiguous lots under one ownership.

*[Section 4.9.40 revised by Ordinance 2012-00x, effective December X, 2012]*

## **Section 4.9.50 - EXCEPTIONS TO BUILDING HEIGHTS AND PROJECTIONS**

### **4.9.50.01 - General Exceptions to the Building Height Limitations -**

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, and other similar objects not used for human occupancy are subject to the height limitations specified in each zone. Such structures exceeding a zone's height limitations may be permitted subject to Chapter 2.13 - Plan Compatibility Review, and upon a finding by the State of Oregon Aeronautics Division that the proposed structure does not pose a hazard to air traffic.

Flagpoles are subject to Section 4.7.70.b of Chapter 4.7 - Sign Regulations, which limits their height to 20 ft. or 110 percent of the maximum height of a primary structure, whichever is greater. Wireless Telecommunication Facilities are subject to Section 4.9.60 below.

### **4.9.50.02 - Projections from Buildings -**

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues may project up to three ft. into a required yard, provided that a minimum 30 in. setback is maintained from any property line. Larger encroachments into front yard areas are allowed in residential zones, as specified in those zoning chapters of this Code. However, no architectural features shall be located within a Vision Clearance Area as defined by the City Engineer. For the purposes of this Section, Architectural Features shall not include any portion of a

landscape areas within five ft. of the walkways and driveways, respectively.

*[Section 4.2.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.2.50 - SCREENING (HEDGES, FENCES, WALLS, AND BERMS)**

Screening is required where unsightly views or visual conflicts must be obscured or blocked and/or where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls shall also be used where noise pollution requires mitigation.

Where landscaping is used for required screening, it shall be at least six ft. in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.

A chainlink fence with slats shall qualify for screening only if a landscape buffer is provided in compliance with Section 4.2.40, above.

##### **4.2.50.01 - Height Limit**

The height of hedges, fences, walls, and berms shall be measured from the lowest adjoining finished grade, except where screening is required for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within Vision Clearance Areas, as determined by the City Engineer.

- a. Hedges, fences, and walls shall not exceed ~~three~~ four ft. in height within any required yard adjacent to a street or within the Through Lot ~~e~~Easement area of a lot, except as provided in 4.2.50.01.d and e. See Through Lot Easement in Chapter 1.6 - Definitions. See also Chapter 4.4 - Land Division Standards for additional Through Lot requirements. The Director may grant an exception to this provision under the following circumstances:
  1. Where required by the Planning Commission to meet screening requirements; or
  - ~~2. Where an applicant wishes to allow portions of a screen to encroach up to two ft. into an exterior side yard, excluding the front yard area. This type of encroachment pertains to a screen that is designed and constructed with off-sets to prevent visual monotony. In this situation, the hedge, fence, or wall shall not exceed five ft. in height and shall maintain Vision Clearance Area standards; or~~
  32. Where an applicant wishes to allow portions of a screen to encroach up to five ft. into a Through Lot ~~e~~Easement area. This type of encroachment pertains to a screen that is designed and constructed with off-sets to prevent visual monotony. In this situation, the hedge, fence, or wall shall maintain an average setback of 20 ft. from the rear



property line, shall not exceed five ft. in height, and shall maintain Vision Clearance Area standards. ~~Gates are required in rear yard fences on Through Lots, since it~~ remains the property owner's responsibility to maintain the area outside the fence. ~~In Multi-dwelling developments or Planned Developments and Subdivisions, a 20 ft. wide planting area shall be established between the sidewalk and the fence. The planting area shall be designed to minimize maintenance and to ensure that coniferous trees are planted at least 15 ft. from the sidewalk.~~

- b. Notwithstanding the height restrictions outlined in "a," above, the height of solid fences and walls shall be limited to a maximum of four ft. along the boundaries when constructed within five feet of sidewalks and multi-use paths that are not adjacent or parallel to streets, and up to six feet when constructed greater than five feet from these sidewalks or multi-use paths. Examples of such situations include sidewalks and multi-use paths adjacent to pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. The limitation on these solid forms of screening is intended to increase visibility and public safety. Portions of fences above four ft. in height are allowed, when they are designed and constructed of materials that are open a minimum of 50 percent. Fence and wall heights shall be measured from the grade of the sidewalk or multi-use path. Fences and walls along sidewalks and multi-use paths shall be located outside of any associated rights-of-way and/or easement areas.
- c. Hedges, fences, and walls may exceed ~~three~~ four ft. in rear and interior side yards, except when these yards abut a sidewalk or multi-use path, in which case provisions in "b," above, apply. Fences and walls over six ft. high require Building Permit approval prior to construction.
- d. Hedges, fences, and walls up to six feet in height are allowed in exterior side yards no closer than five feet from the side-yard property line if a five-foot-wide landscaped buffer is maintained on the street side of the fence. Exterior side yard fencing above four feet in height is not allowed to extend closer to the front property line than the rear of the building at its closest point to the exterior side yard.
- e. In exterior side yards of residential lots of a size less than 5,500 square feet, hedges, fences, and walls up to six feet in height are allowed to be located up to the exterior side-yard property line, unless the property line is located at the edge of a curbside sidewalk, in which case the fence shall be set back one foot from the property line. The six-foot height allowance shall extend 50 feet forward from the rear property line or to the rear of the building at its closest point to the exterior side yard, whichever distance is greater. Vision clearance standards shall be maintained (Refer to Figure 4.2-1).

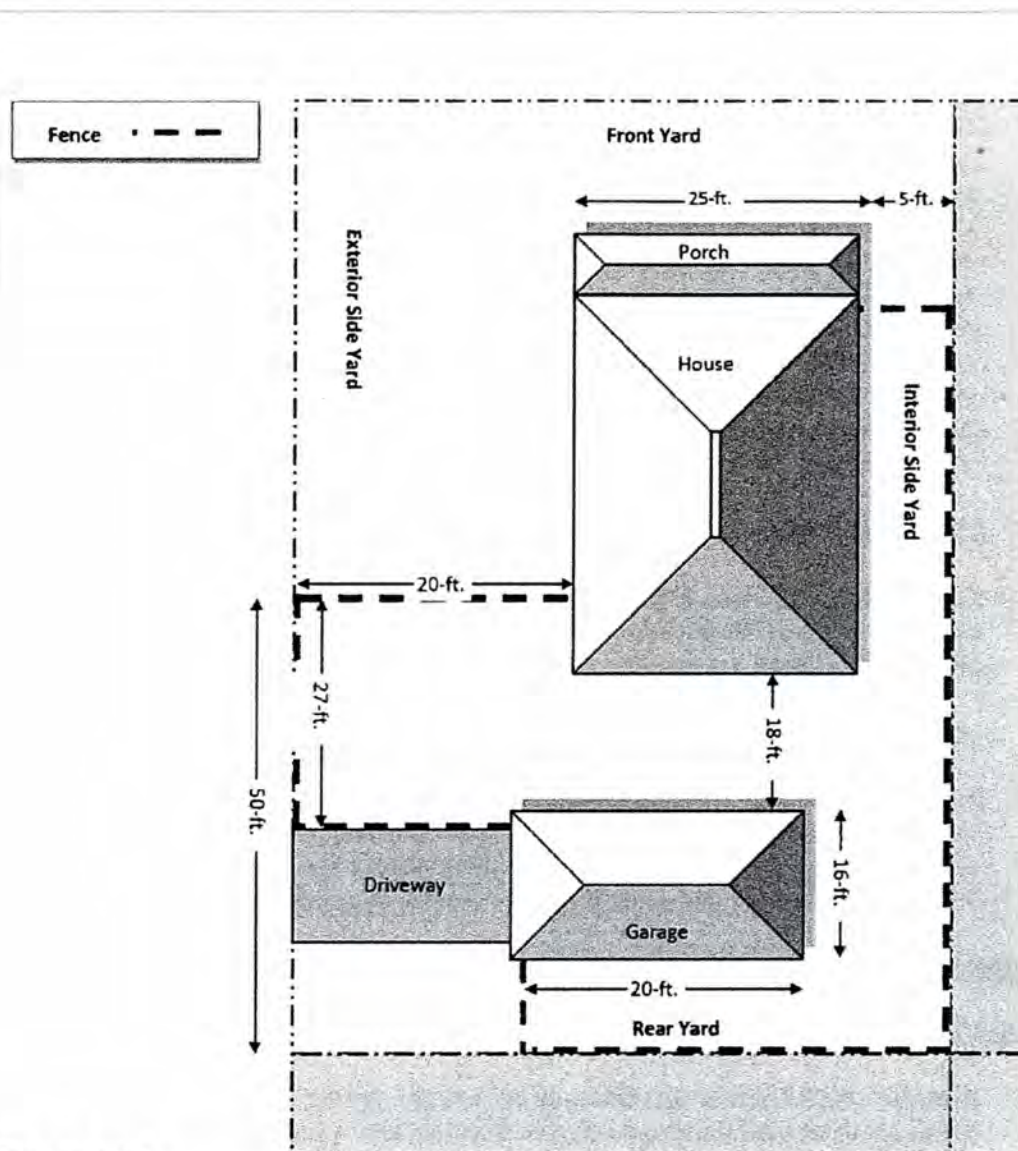


Figure 4.2-1 -  
Fence Heights and Locations for Corner Lots Less than 5,500 sq. ft.

- df.** Earthen berms up to six ft. in height may be used to comply with screening requirements. The slope of a berm may not exceed 3:1. The faces of a berm's slope shall be planted with ground cover, shrubs, and trees.
- eg.** Long expanses of fences and walls shall be designed to prevent visual monotony through the use of off-sets, changes of materials and textures, or landscaping.
- fh.** Chainlink fences are prohibited within 100 ft. of the identified Gateway Street within the Limited Industrial-Office Zone, unless they are screened in



accordance with landscape screening requirements in this Chapter.

#### **4.2.50.02 - Service Facilities and Outdoor Storage Areas**

Trash dumpsters, gas meters, ground-level air conditioning units and other mechanical equipment, other service facilities, and outdoor storage areas shall be appropriately screened with a fence, wall, or plantings, consistent with the landscape screening provisions in this Section. When located adjacent to a residential zone, outdoor components associated with heat pumps, ground-level air conditioning units and similar kinds of equipment that create noise shall not be placed within any required setback area. Additionally, if such equipment is located adjacent to a residential zone and between five - 10 ft. of a property line, it shall be screened with a solid fence or wall at least one ft. higher than the equipment. When such equipment is located adjacent to a residential zone and outside a required setback line, and is greater than 10 ft. from a property line, standard screening requirements in this Section shall apply.

#### **4.2.50.03 - Swimming Pools**

Swimming pools more than 18 in. deep shall be surrounded and screened with a minimum four ft.-high secured fence or wall. The fence or wall must have a self-latching gate in accordance with Chapter 9 of the City's Municipal Code.

#### **4.2.50.04 - Detention Facilities**

Detention facilities, such as ponds, shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and biofiltration. See also Section 4.0.130 of Chapter 4.0 - Improvements Required with Development.

[Section 4.2.50 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 4.2.60 - PROHIBITED STREET TREES**

- a. **Section 10.01.020 of the Municipal Code** - Section 10.01.020 of the Municipal Code prohibits the following species of trees within public rights-of-way and parking strips:
1. Bamboo;
  2. Poplar;
  3. Willow;
  4. Conifer;
  5. Cottonwood;
  6. Fruit and nut trees, other than ornamental; and

9. Recessed Garage with Cantilevered Second Story - Vehicular entrances face the street and are recessed at least two ft. from the front wall of the dwelling, and the dwelling includes a second floor that cantilevers over the garage/carport at least two ft. This option is shown in Figure 4.10-12 - Garage Recessed and Upper Floor Cantilevers Over It, below. The recess from the front wall of the dwelling shall be measured from the front wall of the living space area, not from the front porch, a bay window, or other projection or architectural feature. Additionally, the second floor that cantilevers over the garage/carport shall run the full length of the garage/carport.

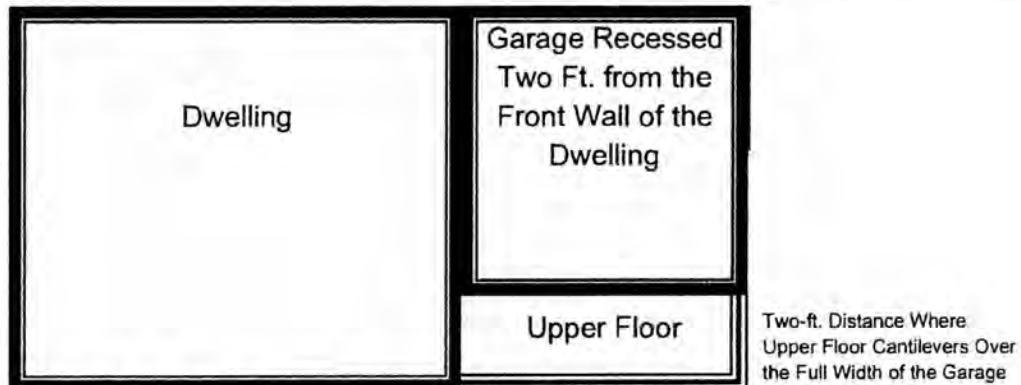


Figure 4.10-12 - Garage Recessed and Upper Floor Cantilevers Over It

10. Narrow Lot (less than 40 ft. width) Facing Street - Vehicular entrances face the street and the garage portion of the building shall be recessed a minimum of 2 feet from the portion of the building nearest the street that is designed for human occupancy (includes enclosed rooms, porches, balconies, etc.) and the width of the garage portion of the building is equal to or less than 50% of the lot width.

- c. **Garage and Carport Materials** - Garages and carports, when provided, shall be constructed of the same building materials as the dwelling.

#### 4.10.50.03 - Menus for Pedestrian Features and Design Variety

- a. **Pedestrian Features Menu** - Each home shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate the proposed options on plans submitted for building permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. Elevated Finished Floor - An elevated finished floor a minimum of two



defined as bay windows, covered porches greater than 60 sq. ft. in size, balconies above the 1<sup>st</sup> floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which contains the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

7. **Architectural Details** - Architectural details used consistently on dwelling facades. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or divided lights, or pergolas/trellis work integrated into building facades. If a dwelling is oriented such that its front facade, which contains the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

[Section 4.10.50 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS  
THREE UNITS OR GREATER, TOWNHOME, TRIPLEX,  
FOURPLEX, AND APARTMENT RESIDENTIAL BUILDING TYPES**

**4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to  
Pedestrian Areas**

All building orientations, facades, and entrances shall comply with the following standards.

- a. **Orientation of Buildings** - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.
  1. Primary building entrances shall face the streets or be directly accessed from a public street right-of-way or private street tract by a sidewalk or multi-use path less than 200 ft. long (distance measured along the centerline of the path from a public street right-of-way or private street tract), as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may

3. Roof-mounted Equipment - Roof-mounted equipment, such as heating, ventilation, and air conditioning equipment, shall be screened. Screening features shall be at least equal in height to the equipment, compatible with roof lines, and constructed of materials used in the building's exterior construction. Screening features include such elements as a parapet, wall, or other sight-blocking feature, etc. The roof-mounted equipment shall be painted to match the roof.
4. Sign Standards
  - a) Pole-mounted, freestanding signs are prohibited in Neighborhood Center (NC) Zones.
  - b) Blade signs placed under awnings are allowed along Shopping Streets.
  - c) Remaining sign provisions are in accordance with Chapter 4.7 - Sign Regulations.
5. Lighting Standards - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
6. Windows - The provisions in this Section shall apply to placement and type of windows. Figure 4.10-24 - Windows and Glass Doors on Street-facing Facades is provided for context.
  - a) Ground Floor Windows and Doors - Except for the Neighborhood Center (NC) Zone and the MUGC Zone (where other standards are required), and except for Designated Historic Resources in the Central Business and Riverfront Zones, which are addressed in "c," and "d," below, respectively, a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. An exception may be granted if the expansion/enlargement is for space neither adjacent to a street nor open to customers or the public. Additional requirements for windows shall include the following:
    - 1) Ground floor windows shall be framed by bulkheads, piers, and sills such as are used in a recessed window,

seating wall, that conform to the accessibility standards in Section 4.10.70.05.a.4.

- c) Entrances - Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.
- d) Base Treatments - A recognizable Base Treatment consisting of at least one of the following:
  - 1) Thicker walls, such as a bulkhead, ledges, or sills as viewed from the exterior of the building;
  - 2) Integrally textured materials such as stone, stucco, or other masonry;
  - 3) Integrally colored and patterned materials such as smooth-finished stone or tile;
  - 4) Lighter or darker colored materials, Mullions, or panels;
  - 5) Detailing such as scoring, ribbing, moldings, or ornamentation; or
  - 6) Planters integral to the building.
- e) Top Treatments - A recognizable Top Treatment consisting of at least one of the following:
  - 1) Cornice treatments, other than colored stripes or bands that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;
  - 2) Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings such as Modillions, Dentils, or other moldings, as applicable; or contain brackets; or
  - 3) Stepped parapets.

[Section 4.10.70 amended by Ordinance 2012-00x, effective December X, 2012]

## **CHAPTER 4.4 LAND DIVISION STANDARDS**

### **Section 4.4.10 - PURPOSES**

The Land Division standards in this Chapter are intended to preserve, protect, and promote the public health, safety, convenience, and general welfare. These standards are implemented in conjunction with the Subdivision, Expedited Land Division, and Partition procedures in Chapter 2.4 - Subdivisions and Major Replats; Chapter 2.5 - Planned Development; and Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments, respectively. They are also implemented in conjunction with Chapter 4.0 - Improvements Required with Development.

### **Section 4.4.20 - GENERAL PROVISIONS**

#### **4.4.20.01 - Applicability**

All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development and/or Chapter 2.12 - Lot Development Option, as applicable.

#### **4.4.20.02 - Blocks**

- a. **General** - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.
- b. **Size** - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60. ~~no~~ of Chapter 4.0 - Improvements Required with Development.

#### **4.4.20.03 - Lot Requirements**

- a. **Size and Shape** - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, ~~and depth shall generally not exceed 2.5 times the average width.~~ Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for



3. Landscaping in the Through Lot Easement area shall comply with the provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

- d. **Lot Side Lines** - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.
- e. **Lot Grading** - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.
- f. **Building Lines** - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.
- g. **Large Lots** - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.
- h. **Minimum Assured Development Area** - For property with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, lots created through a Subdivision, Partition, or Property Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA).

[Section 4.4.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.4.30 - SPECIAL PROVISIONS FOR LOTS CREATED THROUGH LAND PARTITIONS OR MINOR REPLATS VIA SECTION 4.4.20.03.b "1" or "2."**

In addition to complying with the provisions of Section 4.4.20 above, Partitions and Minor Replats that qualify for the exception in Section 4.4.20.03.b "1" or "2," above, shall be subject to the following standards and procedures.

**4.4.30.01 - ~~Access Way~~ Accessway**

Additionally, for low density residential development on lots that are 24,000 square feet in size, or less; that would otherwise have a developable area that is less than the allowed MADA; development is allowed within required front, side, and rear yard areas up to three feet from property lines. However, all such development must comply with vision clearance requirements and garage setback standards.

- b. **Nonresidential Properties and Nonresidential Uses** - Nonresidential developments may use up to a 15 percent reduction in the development standards for setbacks and minimum required parking spaces required by the applicable zone where the development is located or proposed to be located.

#### **4.11.50.04 – Priority of Encroachments into Protected Natural Resource and Natural Hazard Areas**

- a. Encroachments shall be allowed only to the minimum extent necessary to achieve the MADA.
- b. All unconstrained lands shall be used before encroachments can occur, with the exception of areas described in Section 4.11.50.01.b.
- c. **Order of Encroachments** - Encroachments shall occur sequentially into the areas of protected Natural Resources and Protected Natural Hazards based upon the priorities presented below, with encroachments into areas identified in Section 4.11.50.04.c.1 first, and Section 4.11.50.04.c.2.I last. Encroachments into areas described in each subsection shall also occur in the order presented, starting from the top of each list.
  - 1. Access Encroachments - Encroachments are allowed to provide access to areas that do not contain Natural Resources and Natural Hazards as defined in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, where such areas cannot be accessed and/or served with public utilities without encroaching into or crossing over the protected Natural Resources and Natural

Natural Resources and Natural Hazards, even to provide a Minimum Assured Development Area. Regardless of the area or percentage of a particular lot or parcel covered by the High Risk/Impact Natural Resources and Natural Hazards, no encroachments shall be permitted within them, except as provided in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

- b. All development in the Natural Resources and Natural Hazards listed in “c,” below, shall be limited to the specific land uses, development requirements, and exceptions listed in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

c. **High Risk/Impact Natural Resources -**

- 1. Slopes of 35 percent or greater, unless allowed by Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;
- 2. Landslide Debris Runout Areas, unless allowed by Section 4.5.70 4.14.60;
- 3. 0.2-ft. Floodway; and
- 4. Less than five ft. from the Top-of-bank in Riparian Corridors.

[Section 4.11.50 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.11.60 – VARIATIONS**

Except as limited by provisions in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code



nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions

- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Construction/Roofing Storage and Sales existing prior to December 31, 2006
- d. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.4.50
- e. Cultural Exhibits and Library Services
- f. Fraternities and Sororities
- g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- h. Funeral and Interment Services - Interring and Cemeteries
- i. Group Residential - more than 12 persons
- j. Group Residential/Group Care - more than 12 persons
- k. Lodges, Fraternal and Civic Assembly
- l. Major Services and Utilities
- m. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- n. Expansion of offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006
- o. Participant Sports and Recreation - Indoor and Outdoor
- p. Religious Assembly
- q. Residential Care Facilities - more than 12 persons
- r. Schools



### 3.4.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.4.20 revised by Ordinance 2012-00x, effective December X, 2012]*

### Section 3.4.30 - RS-9 DEVELOPMENT STANDARDS

**Table 3.4-1**

	<b>Standard</b>
a. Minimum Density	6 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	12 units per acre. Applies to the creation of Land Divisions.
c. Minimum Lot Area	
1. Single Detached <u>(one unit only)</u>	3,500 sq. ft.
2. <del>Single Attached Single Detached</del> <u>(multiple units) and all other residential building type configurations</u>	<del>2,500 sq. ft. per unit</del> 5,000 sq. ft.
3. <del>Duplex (or other configuration of building types resulting in two units)</del>	<del>7,500 sq. ft.</del>
4. <del>Triplex (or other configuration of building types resulting in three units)</del>	<del>10,000 sq. ft.</del>
5. <del>Fourplex (or other configuration of building types resulting in four units)</del>	
d. Minimum Lot Width	
1. Single Detached with alley access to garage	40 ft.
2. Single Detached with street access to garage	50 ft.
3. Single Attached	25 ft.
4. Duplex (or other configuration of building types resulting in two units)	50 ft.
5. Triplex (or other configuration of building types resulting in three units)	75 ft.
6. Fourplex (or other configuration of building types resulting in four units)	100 ft.

space via doors and windows. Within the required Green Area for multi-dwellings, a Private Outdoor Space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

#### **Section 3.4.50 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominate purpose of the RS-9 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for residential use~~ should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

##### **3.4.50.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006;
- OR
- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

##### **3.4.50.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in Section 3.4.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
  - 1. Providing factual data and information on the potential costs of using the structure for residential use compared to estimated potential rent or purchase prices for tenants or owners. Factual data and information on the potential costs of using the structure for residential use shall pertain to items such as heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and



2. Demonstrating that an earnest effort has been made to retain the structure for residential use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

**OR**

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting ~~both~~ either of the following:
  1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and, 2. Demonstrating that substantial alterations would be necessary to retain the structure for residential use and that alterations would result in the loss or reduction of Historical Significance or architectural significance.

**OR**

2. Showing that the structures, or portions of structures, proposed to be converted meet the locational criteria from 3.4.50.01.b; and demonstrating that the proposed conversion is consistent with the Zone Change Review Criteria in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9<sup>th</sup> Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

#### **3.4.50.03 - Development Site Design**

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans, in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling with respect to major structural changes;
- c. Landscaping;

- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.4.50.04 - Required Off-Street Parking**

The City recognizes that Section 3.4.50 generally sometimes applies to ~~large~~ structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.4.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.4.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS IN NORTH CAMPUS AREA**

Group Residential and Group Residential/Group Care Use Types and Multi-dwelling Building Types established prior to December 31, 2006 are Permitted Uses and may be redeveloped. This redevelopment may occupy the same building envelope as previously existed; however, current parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements shall be met even if these requirements interfere with reestablishment of the original structure.

#### **Section 3.4.70 - REDEVELOPMENT OF EXISTING OFFICES IN NORTH CAMPUS AREA**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements, even if the parking requirements interfere with the redevelopment.

#### **Section 3.4.80 - MIX OF HOUSING TYPES**

A mix of permitted Housing Types is encouraged in the RS-9 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined



- c. Expansion of Offices, as defined in Chapter 1.6 - Definitions, existing as of December 31, 2006
- d. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.5.50
- e. Cultural Exhibits and Library Services
- f. Fraternities and Sororities
- g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- h. Funeral and Interment Services - Interring and Cemeteries
- i. Group Residential - more than 12 persons
- j. Group Residential/Group Care - more than 12 persons
- k. Lodges, Fraternal and Civic Assembly
- l. Major Services and Utilities
- m. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- n. Participant Sports and Recreation - Indoor and Outdoor
- o. Religious Assembly
- p. Residential Care Facilities - more than 12 persons
- q. Schools

### **3.5.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 -

Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.5.20 amended by Ordinance 2012-00x, effective December X, 2012]

### Section 3.5.30 - RS-9(U) DEVELOPMENT STANDARDS

Table 3.5-1

		Standard
a.	Minimum Density	6 units per acre. Applies to the creation of Land Divisions.
b.	Maximum Density	12 units per acre. Applies to the creation of Land Divisions.
c.	Minimum Lot Area	
1.	Single Detached <u>(one unit only)</u>	3,500 sq. ft.
2.	<del>Single Attached-Single Detached</del> <del>(multiple units) and all other</del> <del>residential building type</del> <del>configurations</del>	2,500 sq. ft. <u>per unit</u> <del>5,000 sq. ft.</del> <del>7,500 sq. ft.</del>
3.	<del>Duplex (or other configuration of</del> <del>building types resulting in two units)</del>	
4.	<del>Triplex (or other configuration of</del> <del>building types resulting in three</del> <del>units)</del>	40,000 sq. ft.
5.	<del>Fourplex (or other configuration of</del> <del>building types resulting in four units)</del>	
d.	Minimum Lot Width	
1.	Single Detached with alley access to garage	40 ft.
2.	Single Detached with street access to garage	50 ft.
3.	Single Attached	25 ft.
4.	Duplex (or other configuration of building types resulting in two units)	50 ft.
5.	Triplex (or other configuration of building types resulting in three units)	75 ft.
6.	Fourplex (or other configuration of building types resulting in four units)	100 ft.

the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for Multi-dwellings, a Private Outdoor Space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

### **Section 3.5.50 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominate purpose of the RS-9(U) Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for residential use~~ should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below:

#### **3.5.50.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006. The redeveloped building may occupy the same building envelope occupied by the existing structure; however, current parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements, shall be met even if these requirements interfere with reestablishment of the original structure;

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

#### **3.5.50.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the Uses permitted in Section 3.5.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:

1. Providing factual data and information on the potential costs of using the structure for residential use compared to estimated potential rent or purchase prices for tenants or owners. Factual data and information on the potential costs of using the structure for residential use shall pertain to items such as heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and
2. Demonstrating that an earnest effort has been made to retain the structure for residential use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

**OR**

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting ~~both~~ either of the following:
  1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and 2: Demonstrating that substantial alterations would be necessary to retain the structure for residential use and that alterations would result in the loss or reduction of Historical Significance or architectural significance.

**OR**

2. Showing that the structures, or portions of structures, proposed to be converted meet the locational criteria from 3.4.50.01.b; and demonstrating that the proposed conversion is consistent with the Zone Change Review Criteria in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9<sup>th</sup> Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

### **3.5.50.03 - Development Site Design**

To ensure that the character of the structure and site will be preserved after



conversion, the applicant shall be required to submit plans in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling with respect to major structural changes;
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.5.50.04 - Required Off-Street Parking**

The City recognizes that Section 3.5.50 generally sometimes applies to **large** structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.5.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.5.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS**

Group Residential and Group Residential/Group Care Use Types and Multi-dwelling Building Types established prior to December 31, 2006, are Permitted Uses and may be redeveloped. This redevelopment may occupy the same building envelope as previously existed but current parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements, shall be met.

#### **Section 3.5.70 - REDEVELOPMENT OF EXISTING OFFICES**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the

existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

#### **3.6.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- b. Colocated/attached facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- c. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- d. Commercial Use Types in existence as of December 31, 2006, such as Automotive and Equipment-Light Equipment Repairs and Light Equipment Sales and Rentals, in the RS-12 Zone at 2220 SW Third Street (Assessor's Map #12-5-11BC, Tax Lot 700 and 701), shall not be classified as nonconforming development. Upon further development, perimeter buffers shall be established consistent with Shopping Area Zone standards in effect at the time land use application LDT 94-1 was approved
- e. Expansion of Offices, as defined in Chapter 1.6 - Definitions, in existence prior to December 31, 2006
- f. Conversion of structures or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.6.60
- g. Cultural Exhibits and Library Services
- h. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- i. Funeral and Interment Services - Interring and Cemeteries
- j. Lodges, Fraternal and Civic Assembly
- k. Major Services and Utilities
- l. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- m. Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006

- n. Participant Sports and Recreation - Indoor and Outdoor
- o. Schools

### 3.6.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.6.20 amended by Ordinance 2012-00x, effective December X, 2012]*

### Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

**Table 3.6-1**

	<b>Standard</b>
a. Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c. Minimum Lot Area	2,200 sq. ft. per dwelling unit
d. Minimum Lot Width	25 ft.



25 percent of the total outdoor space requirement pertaining to both Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

#### **3.6.50.06 - Location of Green Area**

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

- a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;
- b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.6.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.6.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominant purpose of the RS-12 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for Residential Use~~ should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type,

using the review criteria below.

**3.6.60.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006;

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

**3.6.60.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the Uses permitted in Section 3.6.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:

1. Providing factual data and information on the potential costs of using the structure for Residential Use compared to estimated potential rent or purchase prices for tenants or owners. Factual data and information on the potential costs of using the structure for Residential Use shall pertain to items such as heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and
2. Demonstrating that an earnest effort has been made to retain the structure for Residential Use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

**OR**

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting ~~both~~ either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and ~~2:~~ Demonstrating that

substantial alterations would be necessary to retain the structure for Residential Use and that alterations would result in the loss or reduction of Historical Significance or architectural significance;

OR

2. Showing that the structures, or portions of structures, proposed to be converted meet the locational criteria from 3.4.50.01.b; and demonstrating that the proposed conversion is consistent with the Zone Change Review Criteria in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9<sup>th</sup> Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

#### **3.6.60.03 - Development Site Design**

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans in addition to the site plan required in Chapter 2.3 - Conditional Development that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling pertaining to major structural changes;
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.6.60.04 - Required Off-Street Parking**

The City recognizes that Section 3.6.60 ~~generally~~ sometimes applies to ~~large~~ structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development



have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.6.60 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.6.70 - REDEVELOPMENT OF EXISTING OFFICES**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements, even if these requirements interfere with the redevelopment.

### **Section 3.6.80 - MIX OF HOUSING TYPES**

A mix of permitted Housing Types is encouraged in the RS-12 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

### **Section 3.6.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS**

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-12 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and
- c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

### **Section 3.6.100 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.6.30 "m" through "q," and "s," variations from development and design standards, such as the standards in this



3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model dwelling units
8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

#### **3.7.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 10 ft., subject to the standards in

#### Chapter 4.9 - Additional Provisions.

- b. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- c. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- d. Expansion of Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006
- e. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.7.60
- f. Cultural Exhibits and Library Services
- g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- h. Funeral and Interment Services - Interring and Cemeteries
- i. Lodges, Fraternal and Civic Assembly
- j. Major Services and Utilities
- k. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- l. Participant Sports and Recreation - Indoor and Outdoor
- m. Schools

#### **3.7.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in

Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.7.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.7.30 - RS-12(U) DEVELOPMENT STANDARDS**

**Table 3.7-1 - RS-12(U) Development Standards - Standards Option**

	Standard
a. Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c. Minimum Lot Area	2,200 sq. ft. per dwelling unit
d. Minimum Lot Width	25 ft.
e. Setbacks	
1. Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2. Rear yard and Side yards	5 ft. minimum <del>and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
Interior attached townhouses exempt from interior side yard setbacks.	
a) Single Detached	5 ft. minimum each side yard
b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side <sup>1</sup>
c) Duplex and Multi-Dwelling	10 ft. minimum each side
d) Abutting a more restrictive zone	10 ft. minimum
3. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street; and</del> Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also "k," and "l," below.	

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

multi-use paths;

- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.7.50 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.7.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominant purpose of the RS-12(U) Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for Residential Use~~ should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

#### **3.7.60.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006.

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

#### **3.7.60.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the Uses permitted in Section 3.7.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
  - 1. Providing factual data and information on the potential costs of using the structure for Residential Use compared to estimated potential rent or purchase prices for tenants or owners. Factual



data and information on the potential costs of using the structure for Residential Use shall pertain to items such as heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and

2. Demonstrating that an earnest effort has been made to retain the structure for Residential Use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

**OR**

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting ~~both~~ either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and 2: Demonstrating that substantial alterations would be necessary to retain the structure for Residential Use and that alterations would result in the loss or reduction of Historical Significance or architectural significance.

**OR**

2. Showing that the structures, or portions of structures, proposed to be converted meet the locational criteria from 3.4.50.01.b; and demonstrating that the proposed conversion is consistent with the Zone Change Review Criteria in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9<sup>th</sup> Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

### **3.7.60.03 - Development Site Design**

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

- a. Proposed exterior facade treatment;

- b. Interior remodeling pertaining to major structural changes;
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.7.60.04 - Required Off-Street Parking**

The City recognizes that Section 3.7.60 ~~generally~~ sometimes applies to ~~large~~ structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.7.60 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.7.70 - REDEVELOPMENT OF EXISTING OFFICES**

Existing Offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements, even if these requirements interfere with the redevelopment.

#### **Section 3.7.80 - MIX OF HOUSING TYPES**

A mix of permitted Housing Types is encouraged in the RS-12(U) Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

#### **Section 3.7.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS AND ADDITIONAL DESIGN STANDARDS**

##### **3.7.90.01 - Chapter 4.10 - Pedestrian Oriented Design Standards**

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model dwelling units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

### **3.8.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional



## Provisions

- b. Colocated/attached facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- c. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- d. Expansion of Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006
- e. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.8.60
- f. Cultural Exhibits and Library Services
- g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- h. Funeral and Interment Services - Interring and Cemeteries
- i. Major Services and Utilities
- j. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- k. Parking Services
- l. Participant Sports and Recreation - Indoor and Outdoor

### **3.8.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 75 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.



## Section 3.8.30 - RS-20 DEVELOPMENT STANDARDS

### 3.8.30.01

**Table 3.8-1**

	Standard
a. Minimum Density	20 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	No Maximum
c. Minimum Lot Area	None
d. Minimum Average Lot Width	25 ft.
e. Setbacks	
1. Front, Side Yard, and Rear Yard	10 ft. minimum, except that portions may be reduced to 5 ft. provided that:
Unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.	1. The 5 ft. setback is applied to 50 percent or less of the building face related to a yard space;
Interior attached townhouses exempt from interior side yard setbacks.	2. An average 10 ft. setback shall be provided along the building face; and
	3. Where buildings exceed a length of 60 ft or exceed 3 stories, the above yard requirements shall be increased at a rate of 1 ft. for each 15 ft. of building length over 60 ft. and 2 ft. for each story over 3 stories.
2. Maximum Front Yard Setback	25 ft.; interior buildings within a development are exempt from this requirement.
3. Side and Rear Yard Setback Adjacent to Low Density Residential zones	Equal to most restrictive setback in the Low Density Residential zone.
4. <del>Corner Lot</del> <u>Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street</del> and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also "k," and "l," below.	

- b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.8.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.8.60 - CONVERSION OF A UNIT TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES**

The predominant purpose of the RS-20 Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for Residential Use~~ should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

##### **3.8.60.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006.

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

##### **3.8.60.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in Section 3.8.20.01 without creating undue financial hardship for both tenants and

owners. This may be proved by meeting both of the following:

1. Providing factual data and information on the potential costs of using the structure for Residential Use compared to estimated potential rent or purchase prices for tenants or owners. Factual data and information on the potential costs of using the structure for Residential Use shall pertain to items such as heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and
2. Demonstrating that an earnest effort has been made to retain the structure for Residential Use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

**OR**

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting ~~both~~ either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and 2: Demonstrating that substantial alterations would be necessary to retain the structure for Residential Use and that alterations would result in the loss or reduction of Historical Significance or architectural significance.

**OR**

2. Showing that the structures, or portions of structures, proposed to be converted meet the locational criteria from 3.4.50.01.b; and demonstrating that the proposed conversion is consistent with the Zone Change Review Criteria in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9<sup>th</sup> Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

### **3.8.60.03 - Development Site Design**



To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling pertaining to major structural changes;
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.8.60.04 - Required Off-street Parking**

The City recognizes that Section 3.8.60 generally sometimes applies to ~~large~~ structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.8.60 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.8.70 - REDEVELOPMENT OF EXISTING OFFICES**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements, even if these requirements interfere with the redevelopment.

#### **Section 3.8.80 - MIX OF HOUSING TYPES**

A mix of permitted Housing Types is encouraged in the RS-20 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined





**ORDINANCE 2012- 18**

**AN ORDINANCE AMENDING THE CORVALLIS LAND DEVELOPMENT CODE, MODIFYING ORDINANCE 93-20, AS AMENDED, TO REVISE PROVISIONS AFFECTING DEVELOPMENT CONSISTENT WITH THE CATEGORY OF SUBSTANTIVE ISSUES (LDT12-00001)**

AN ORDINANCE relating to a Legislative Amendment to the Land Development Code (LDT12-00001), modifying Ordinance 93-20, as amended.

Whereas, the Planning Commission, after holding duly advertised public hearings on September 19, 2012, and October 3, 2012, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Land Development Code;

Whereas, on October 3, 2012, the Planning Commission recommended that the City Council approve the request to amend some Land Development Code provisions affecting development consistent with the category of substantive issues;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code on November 5, 2012, and interested persons and the general public were given an opportunity to be heard;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on November 19, 2012, met to deliberate on the matter, and made a preliminary decision to approve the substantive issues items, subject to adoption of formal findings;

Whereas, findings of fact have been prepared and consist of the formal findings attached hereto as Exhibit A and the final version of this Amendment, attached hereto as Exhibit B;

Whereas, said findings are by reference incorporated herein and are hereby adopted by the City Council;

Whereas, the City Council finds that the burden of proof has been met;

Whereas, the City Council finds that the public necessity, convenience, and general welfare require such Amendment; and

Whereas, the City Council finds that the proposal conforms with the Corvallis Comprehensive Plan and other applicable policies;

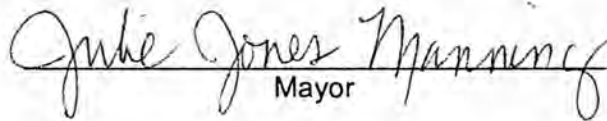
**NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:**

**Section 1.** The Land Development Code is amended as shown by the provisions contained in Exhibits A and B.


PASSED by the Council this 3rd Day of December, 2012.

APPROVED by the Mayor this 3rd Day of December, 2012.

Effective the 13th Day of December, 2012.

  
Mayor

ATTEST:

  
City Recorder

# EXHIBIT A

## Substantive Issues Items

BEFORE THE CITY COUNCIL

OF THE CITY OF CORVALLIS

In the Matter of the City Council decision to approve a	)	
Legislative Amendment to the Land Development Code	)	LDT12-00001
(LDC) as proposed and as modified by the Council in	)	
Ordinance 2012-____, which will change the LDC and	)	FINDINGS AND
implement the proposed changes.	)	CONCLUSIONS

### INTRODUCTION

The matter before the City Council is:

A decision regarding a Legislative Amendment to the Land Development Code (LDC) to amend several LDC provisions affecting development throughout the City of Corvallis. The Legislative Amendment to the LDC is collectively referred to as case LDT12-0001 ("2012 LDC Changes"). However, the final local decision on this matter involves five separate ordinances adopted by City Council, each ordinance representing one of five components of the collective package of code amendments. The discussion contained in this **Exhibit A** to Ordinance 2012-\_\_\_\_ reflects the City Council's Findings regarding what is referred to in the record for case LDT12-00001 as the "Substantive Issues Items" component of the LDC Legislative Amendment.

The applicant for this case is the City of Corvallis. In accordance with LDC Section 1.2.80.02, the City Council initiated this Legislative Amendment to the LDC on August 20, 2012. In accordance with LDC Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment to the LDC on September 19 and October 3, 2012. The Planning Commission forwarded its recommendation for approval to the City Council.

In accordance with LDC Section 1.2.80.03, the City Council held a duly-advertised de novo public hearing on November 5, 2012, to consider this Legislative Text Amendment to the LDC. On November 19, 2012, the City Council deliberated on the Legislative Text Amendment.

The members of the City Council voted to APPROVE the Legislative Amendment to the LDC as recommended by the Planning Commission, subject to review and approval of these findings, and subject to the changes reflected in **Exhibit B** of this implementing Ordinance 2012-\_\_\_\_, adopted December 3, 2012.



Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions address relevant Comprehensive Plan Policies, LDC sections, and Oregon Statewide Planning Goals.

### **APPLICABLE CRITERIA**

All applicable legal criteria governing review of this application are identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits.

### **FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE**

1. **Background and City Council Goals for the Legislative Amendment to the Land Development Code (LDT12-00001) -**

The Council notes that in April of 2011, the City Council approved a bi-annual work program for the Planning Division after receiving public input and in consultation with the Planning Commission. The Council notes that at the time the work program was approved, Council Goals had not been established, but it was anticipated that several goals under consideration would result in a major staff role for Community Development, and therefore would impact planning work program priorities. The Council notes that as it turned out, three of the four Council Goals relate directly to work of the Community Development Department, including strengthening access to and availability of locally produced food; acting on recommendations of the Economic Development Commission; and working with OSU staff to seize opportunities on parking, code enforcement, infill design, rental code, traffic design, and other important issues. The fourth Council Goal, a sustainable City budget, was not within the purview of the Community Development Department. The City Council determined that once other work program items were completed, the next priority for Planning Division Staff would be to prepare a package of LDC changes that would include "housekeeping" items that correct obvious omissions or inconsistencies in the code, substantive issues items to streamline the code, and the recommendations from the Corvallis Infill Task Force (CITF).

The Council notes that in May of 2012 Planning Division staff reviewed the recommendations of the CITF, along with items on the "housekeeping" and substantive issues lists and City Council Goals and prepared recommendations and policy questions for the Planning Commission prior to beginning work on the code amendment package. The Council notes that on June 6<sup>th</sup> and June 13<sup>th</sup>, work sessions were held with the Planning Commission in order to gain preliminary direction and concurrence with the proposed package of code changes. The Council notes that public testimony was received

and some adjustments were made to the proposed code amendments. The Council notes that the Planning Commission supported the addition of a few items recommended by staff to be added to the substantive issues list and recommended that two recommended items from the CITF be set aside for the time being.

The Council notes that in order to address two City Council goals, two other items were added to the code amendment package. Firstly, a package of code amendments were included to facilitate the provision of "local food" in the community. The Council notes that these code amendments were developed by Community Development staff, based on the work of a Benton County health impact assessment regarding this issue, as well as additional staff research and analysis. Secondly, a placeholder item was reserved for any code-related "quick action items" from the City/OSU Collaboration Project. The Council notes that one "quick action item" was proposed, which was a recommendation by the City/OSU Collaboration Steering Committee to revise parking requirements for some types of four- and five-bedroom dwelling units. The Council notes that the Planning Commission endorsed the inclusion of these items in the package of 2012 code amendments.

The Council notes that on June 18<sup>th</sup>, a work session was held with the City Council regarding the 2012 code amendments. The Council notes that the City Council endorsed moving forward with the package of code amendments that was recommended by the Planning Commission. The Council notes that staff then began preparing specific language for the Land Development Code amendments, to be considered by the Planning Commission and City Council through the process required for such amendments. The Council notes that on August 20, 2012, the City Council voted to initiate the process to consider the proposed package of 2012 Land Development Code Amendments.

The Council notes that the Planning Commission held a public hearing on September 19, 2012, and held the hearing open until October 3, 2012, to consider the package of code amendments (minutes of the meetings are included as **Exhibit B** of the Council Staff Report). The Council notes that after hearing testimony and deliberating, the Planning Commission decided to recommend that the City Council consider and approve the code amendments, with a few revisions proposed by the Planning Commission. The Council notes that the City Council staff report describes the changes recommended by the Planning Commission. The Council notes that **Exhibit E** of the City Council staff report summarizes all proposed code amendments, as well as describing the changes recommended by the Planning Commission.

The Council notes that in addition to the changes recommended by the Planning Commission, Planning staff have also received testimony from Jerry Davis on behalf of George Laird, a Corvallis property owner (**Exhibit F** of the City Council Staff Report). The Council notes that after meeting with Mr. Davis and discussing the particulars of Mr. Laird's lot, Staff recommend revisions to the proposed code amendment that would allow development on a limited number of lots within the City that contain slopes equal to or



greater than 35%. The Council notes that these Staff-proposed revisions are discussed in Section II of the City Council staff report. The Council notes that where the Planning Commission did not recommend changes, complete Staff analysis of each code amendment may be found in the September 10, 2012, Staff Report to the Planning Commission, which is included as **Exhibit A** of the City Council staff report.

### **Conclusions on Background and Text Amendment Goals**

The Council finds that the proposed Legislative Amendment to the Land Development Code achieves the goals articulated by the Council. The Council finds that in achieving these goals, the Legislative Amendment to the Land Development Code is in the interest of public necessity, convenience, and general welfare, as required by LDC Section 1.2.80.01.

## **2. Adequacy of the Public Record -**

The Council notes that the Legislative LDC Text Amendment affects Land Development Code Sections 1.4, 2.1.30.06, 2.1.30.07, 2.2.30.03, 2.2.40.05, 2.3.30.04, 2.3.30.09, 2.3.30.10, 2.4.30.04, 2.4.30.09, 2.5.40.04, 2.5.40.09, 2.5.50.09, 2.5.50.10, 2.5.60, 2.5.100.08, 2.6.30.06, 2.7.50.05, 2.8.40.06, 2.9.90.11, 2.10.40.05, 2.12.30.03.g, 2.12.30.03.h.15, 2.12.30.03.l, 2.12.30.05, 2.12.30.06.a, 2.12.30.06.b, 2.12.30.07, 2.12.30.11, 2.13.30.05, 2.14.30.05.a, 2.14.30.10, 3.0.30.03, 3.1.30.e, 3.1.30.k, 3.2.30.e, 3.2.30.k, 3.3.30.e, 3.3.30.k, 3.4.30.e, 3.4.30.k, 3.5.30.e, 3.5.30.k, 3.6.30.e, 3.6.30.k, 3.7.30.e, 3.7.30.k, 3.8.30.01.e, 3.8.30.01.k, 3.9.40.03.c, 3.9.40.03.h, 3.10.30.k, 3.11.20, 3.14.30, 3.14.60, 3.15.30, 3.15.90, 3.16.20, 3.19.30, 3.19.50, 3.20.50, 3.21.30, 3.21.60, 3.22.30, 3.22.50, 3.23.20, 3.23.40, 3.24.20, 3.24.40, 3.25.40, 3.27.30, 3.27.50.06, 3.37.20, 4.0.30.a, 4.0.30.b, 4.0.60.m, 4.0.60.n, Table 4.0-2, 4.1.20.d, 4.1.20.e, 4.1.30.c, 4.1.30.g, 4.1.40.c, 4.2.30.a, 4.2.40, 4.2.50.01, 4.3.40.a, 4.4.20.03.b, 4.4.20.03.c, 4.4.30.01.a, 4.4.30.04, 4.10.40.d, 4.10.50.01.a, 4.10.50.03.b, 4.10.60.01.a.3, 4.10.60.01.a.4, 4.10.60.01.b, 4.10.60.04.b, 4.10.60.05.a, 4.10.70.01, 4.10.70.04.e, 4.10.70.05, 4.11.50.05.c, 4.12.60.a-c, 4.14.50.06, 4.14.60.02, 4.14.60.03.a, and 4.14.60.04.

The Council notes that the Land Development Code identifies procedures for Legislative Amendments to the Land Development Code in Chapter 1.2, which states that such Amendments must be initiated by a majority vote of the Planning Commission or the City Council. The Council notes that in accordance with Land Development Code Section 1.2.80.02, the City Council initiated this Legislative LDC Text Amendment on August 20, 2012.

The Council notes that the applicant for this case is the City of Corvallis and that, in accordance with Land Development Code Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative LDC Text Amendment at two meetings on September 19, and October 3, 2012. The Council notes that the notice for this public hearing was duly published on September 7, 2012. The

Council notes that the Planning Commission forwarded its recommendation for approval to the City Council.

The Council notes that in accordance with Land Development Code Section 1.2.80.03, the City Council duly advertised a de novo public hearing to consider this Legislative LDC Text Amendment and that the notice was duly published in the Corvallis Gazette-Times on October 22, 2012. The Council notes that this de novo public hearing was held on November 5, 2012. The Council notes that on November 19, 2012 the City Council deliberated on the Legislative LDC Text Amendment.

The Council notes that after deliberating, it approved the Substantive Issues portion of the Legislative LDC Text Amendment subject to approval of formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative LDC Text Amendment, which were identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits. The Council notes that in reaching its decision it also considered the Planning Commission recommendation, the information and analysis presented by Staff, and all public testimony.

**Conclusions on Adequacy of the Public Record**

The Council finds that there was ample opportunity for the public to testify, the process for developing and reviewing the Legislative LDC Text Amendment conformed to local and state land use requirements, and the record contains all information needed to evaluate the application for compliance with the applicable criteria.

The City Council accepts and adopts findings contained in the September 10, 2012, staff report to the Planning Commission, the Planning Commission findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Commission's September 19, 2012, public hearing, and October 3, 2012, deliberations, the October 24, 2012, staff report to the City Council, and the findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Council's November 5, 2012, public hearing and November 19, 2012, deliberations. These findings shall be referred to as the "Incorporated Findings," and are to be considered along with the "Supplemental Findings" contained within this document.

**3. Specific Findings Regarding Substantive Issues -**

The City Council notes that the revisions to the Substantive Issues code amendments that were either recommended by the Planning Commission, or included as a response to public testimony received prior to the November 5, 2012, City Council public hearing, were adopted without change. The Council notes that the October 24, 2012, Staff Report to the City Council contains a complete description of these revisions. The revisions recommended by the Planning Commission include a change to allow for minor revisions to Conditional Development and Planned Development approvals (LDC 2.3.30.10 and




2.5.50.10), and a revision to the standards for screening and locating refuse facilities for multi-family development (LDC 4.10.60.05.a). The revision included as a response to public testimony addressed allowing development on existing lots which contain slopes equal to or greater than 35 percent (LDC 4.14.50.06). The Council finds that the Substantive Issues code amendments, with revisions proposed by the Planning Commission and City Staff and adopted by the City Council, are consistent with applicable policies of the Comprehensive Plan and other relevant City policies and Statewide Planning Goals, as determined in the analysis provided by Staff in the September 10, 2012, Staff Report to the Planning Commission. Specifically, the Council finds that the proposed Substantive Issues code amendments are consistent with Comprehensive Plan Policies 3.2.1.B, 3.2.3, 4.2.2, 4.6.2, 4.7.1, 4.7.3, 8.2.8, 8.9.6, 8.9.12, 8.10.2, 9.2.5.D-F, 11.2.1, 11.4.3, 11.6.1, 11.6.3, 11.6.4, 11.6.10, 11.6.13, and 13.5.13.C, and with Statewide Planning Goals 1, 2, 5, 7, 8, 9, 10, and 12, as discussed on pages 75-79, 81, 85-86, 88, 91, 108, 115, 119-120, 126, and 128 of the September 10, 2012, Staff Report to the Planning Commission. Additionally, the City Council finds that the Substantive Issues code amendments, as revised, will promote the general welfare of the community, as specifically detailed in the September 10, 2012, Staff Report to the Planning Commission, and consistent with the requirements of Land Development Code Section 1.2.80.

The Council notes that the specific text changes involved in the proposed Substantive Issues Legislative Text Amendments to the Land Development Code are as shown in the attached **Exhibit B**. The Council notes new text is indicated with double underline font and deleted text is shown with ~~strike-out~~ font.

#### SUMMARY OF CONCLUSIONS

The City Council finds that the proposed Substantive Issues Legislative Text Amendment to the Land Development Code (LDT11-00001) is consistent with the applicable Land Development Code criteria, Comprehensive Plan policies, and Statewide Planning Goals. Accordingly, the Substantive Issues Legislative Text Amendment to the Land Development Code (LDT11-00001) is APPROVED.

  
Kathy Louie,  
City Recorder

  
Julie Manning,  
Mayor

Date: December 3, 2012

# Exhibit B

## Land Development Code Amendments - Substantive Issues

### Notes:

The attached, revised Land Development Code text represents revisions approved by the City Council associated with the Substantive Issues List, as a component of LDT12-00001. The text includes highlighted language to show where a change has been made from the original text, as well as double-underline to show new text, and ~~strikeout~~, to show deleted text. Once finalized and incorporated into the Land Development Code, all such formatting will be removed.

The attached, revised Land Development Code text in this Exhibit B represents one of five packages of code amendments that are proposed for City Council approval. The other four packages consist of Infill Development Task Force items, Housekeeping items, Parking Requirements, and Local Food items, which will each be adopted by separate ordinance. The formatting of the proposed text assumes that all five packages will be adopted and implemented as shown. If changes to this text become necessary, due to appeal, remand, or for other reasons, necessary revisions will be reviewed and approved by the City Council at such time as they are needed.

## CHAPTER 1.4 NONCONFORMING DEVELOPMENT

### Section 1.4.10 - BACKGROUND

As used in the Code, Legal Nonconforming Development includes Legal Nonconforming Structures and Legal Nonconforming Uses. A Legal Nonconforming Structure does not fully comply with zoning provisions for setbacks, building height, and/or off-street parking, or does not fully comply with some other standard of the zone. A Legal Nonconforming Use is not permitted outright or has not received conditional approval in the zone in which it exists, but was lawfully begun prior to its becoming nonconforming.

Within the development zones established by this Code, development may exist that was lawful at the time it began, but would be nonconforming and prohibited in the future under the terms of this Code or future amendments.

In order to avoid undue hardship to developers, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried out diligently. Construction is considered to have started if excavation, demolition, or removal of an existing building has begun in preparation for rebuilding, and a Building Permit has been acquired, prior to the effective date of adoption or amendment of this Code.

*[Section 1.4.10 amended by Ordinance 2012-00x, effective December X, 2012]*

### Section 1.4.20 - PURPOSES

- a. Permit Legal Nonconforming Development to continue, but not to encourage its perpetuation.
- b. Ultimately bring development into conformance with this Code and the Comprehensive Plan.

*[Section 1.4.20 amended by Ordinance 2012-00x, effective December X, 2012]*

### Section 1.4.30 - LEGAL NONCONFORMING STRUCTURES

#### 1.4.30.01 - Alteration of a Legal Nonconforming Structure

Where the use of a structure is permitted by the applicable zone but the structure is legally nonconforming, an alteration, expansion, or relocation may be Ministerially

approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a Vision Clearance Area as defined in Chapter 1.6 - Definitions, and/or as determined by the City Engineer.

For structures in existence prior to December 31, 2006, reconstruction of structures (both residential and nonresidential) may occur consistent with how the structures previously existed in their legal nonconforming state, **except for the following**:

- a. Any Substantial Improvement to a Legal Nonconforming Structure located within the 100-year Floodplain shall conform to the provisions of Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions and shall be accompanied by bringing the entire structure into conformance with those provisions. These requirements apply to all Legal Nonconforming Structures within the 100-year Floodplain, regardless of when the structure(s) was originally constructed, and irrespective of any prior improvements to the Legal Nonconforming Structures; and
- b. Where a structure is designated as Designated Historic Resource, any alteration, expansion, enlargement, extension, reconstruction, relocation, or demolition shall be consistent with the provisions in Chapter 2.9 - Historic Preservation Provisions.

#### **1.4.30.02 - Damage to a Nonconforming Structure within the 100-Year Floodplain**

If a Nonconforming Structure within the 100-year Floodplain is Substantially Damaged, then the provisions of Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions apply and shall be accompanied by bringing the entire structure into conformance with those provisions. These provisions apply to all Nonconforming Structures within the 100-year Floodplain, regardless of when the structure(s) was originally constructed, and irrespective of any prior damage to the Nonconforming Structures. See Chapter 1.6 - Definitions for a definition of Substantial Damage.

*[Section 1.4.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 1.4.40 - LEGAL NONCONFORMING USES**

#### **1.4.40.01 - Alterations of a Legal Nonconforming Use**

No building, structure, or land area devoted to a Legal Nonconforming Use shall be expanded. Reconstruction, relocation, or structural alteration shall conform to the



provisions of this Code. Nothing in this Chapter shall be construed as prohibiting normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

#### **1.4.40.02 - Continuance of a Legal Nonconforming Use**

A Legal Nonconforming Use shall not be expanded or relocated to a different or greater area of land, buildings, or structures than it occupied at the time it became nonconforming. Additionally, where a Legal Nonconforming Use exists on a site, its Use Type may continue to exist, provided it is in accordance with the provisions of this Code.

#### **1.4.40.03 - Discontinuance of a Legal Nonconforming Use**

Whenever a Legal Nonconforming Use is discontinued for more than 18 months, further use shall conform with the provisions of this Code. For purposes of this Code, rental payments or lease payments and taxes shall not be considered a continued use. Discontinued shall mean non-use and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the Legal Nonconforming Use.

#### **1.4.40.04 - Damage to a Legal Nonconforming Use**

If a structure containing a Legal Nonconforming Use is Substantially Damaged, any future development on the site shall use a Use Type conforming to those allowed within the applicable zone in which it is located. See Chapter 1.6 - Definitions for a definition of Substantial Damage.

#### **1.4.40.05 - Reclassification to Conditional Development**

Whenever a Legal Nonconforming Use is permitted conditionally, it shall be reclassified as conforming upon receipt of an approved Conditional Development application in accordance with Chapter 2.3 - Conditional Development.

*[Section 1.4.40 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 1.4.50 - EXCEPTIONS**

#### **1.4.50.01 - Commercial Uses in RS-12 Zone Along SW 3rd, SW 5th, and SW 6<sup>th</sup> Streets**

- a. Specific Commercial Use Types in existence on individual sites as of December 31, 2006, in the RS-12 Zone along SW 5th and SW 6th Streets from SW Adams Avenue to Western Boulevard, shall not be classified as Nonconforming Development.
- b. Specific Commercial Use Types in existence on individual sites as of December 31, 2006 (e.g., Automotive and Equipment - Light Equipment Repairs), in the Mixed Use Community Shopping (MUCS) Zone at 2220 SW 3rd Street (Assessor's Map #12-5-11BC, Tax Lot 700 and 701), shall not be classified as Nonconforming Development. Upon further development, perimeter buffers shall be established consistent with Mixed Use Community Shopping (MUCS) Zone standards.

#### **1.4.50.02 - Existing Uses**

Uses that were permitted by the underlying zone prior to a subject property's rezoning via ZDC00-00009 (the Zoning Map changes related to the Code Update Project), shall not be classified as Legal Nonconforming Development unless the use(s) on the subject property has been discontinued for a period of more than 18 months, in which case Section 1.4.40.03 shall apply.

#### **1.4.50.03 - Office Uses in the RS-9, RS-9(U), RS-12, RS-12(U), and RS-20 Zones**

Office Uses, defined in Chapter 1.6 - Definitions, in existence as of December 31, 2006, in the RS-9, RS-9(U), RS-12, RS-12(U) and RS-20 zones shall not be classified as Nonconforming Development.

#### **1.4.50.04 - North Campus Area (defined in Chapter 1.6 - Definitions)**

- a. Multi-dwellings in existence as of December 31, 2006, shall not be classified as Nonconforming Development. However, redevelopment or expansion requires compliance with current parking standards contained in Chapter 4.1- Parking, Loading, and Access Requirements.
- b. Office Uses, defined in Chapter 1.6 - Definitions, in existence as of December 31, 2006, shall not be classified as Nonconforming Development. However, redevelopment or expansion requires compliance with current parking standards contained in Chapter 4.1- Parking, Loading, and Access Requirements.

#### **1.4.50.05 - Legal Nonconforming Lots of Record**

A lot of record may not meet the lot size requirements of the zone in which it is located. Such a lot may be occupied by a Use permitted in the zone. If, however, the lot is smaller than the size required in its zone, Residential Use shall be limited to one dwelling unit or to the number of dwelling units consistent with density requirements of the zone.

#### **1.4.50.06 - Street and Drainageway Dedications**

The act of conveyance to or appropriation by the City for street or drainage purposes shall not in itself render as nonconforming the use of land, structure, or other improvement maintained upon a lot.

#### **1.4.50.07 - Legal Nonconforming Duplexes**

Where a Duplex fails to meet the Building Type requirements in the zone in which it is located, and has been Substantially Damaged as described in Chapter 1.6 - Definitions, it may be reconstructed provided such reconstruction commences within one year of the Substantial Damage and complies with required development standards.

#### **1.4.50.08 - Residential Uses**

Any residential Building Type permitted prior to December 31, 2006 by this Code, but which is no longer allowed as a new use, may be modified, enlarged or rebuilt, provided it complies with required development standards of the zone.

#### **1.4.50.09 - OSU Campus Buildings**

Any buildings on the OSU Campus existing or approved prior to December 31, 2006, shall not be classified as Nonconforming Development, notwithstanding the height limitations established in the Primary and Secondary Transition Areas of the OSU Zone.

*[Section 1.4.50 amended by Ordinance 2012-00x, effective December X, 2012]*

the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis. Also see Section 4.0.60.a;

- l. Statement outlining the method and source of financing required to provide additional facilities; and
- m. Statement of the reasons for the change, and how the proposal meets the review criteria in Section 2.1.30.06 or 2.1.30.07, whichever is applicable.

**n.Required fees as described in LDC § 1.2.100.01.**

**2.1.30.04 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

**2.1.30.05 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial.

**2.1.30.06 - Review Criteria for the Majority of Comprehensive Plan Amendments**

- a. This Section addresses review criteria for the following:
  - 1. Text Amendments to the Comprehensive Plan; and
  - 2. Amendments to the Comprehensive Plan Map that do **not** involve a Map Amendment to Open Space-Conservation or Public Institutional, when such a Map Amendment is required as part of an Annexation



request per Chapter 2.6 - Annexations.

Comprehensive Plan Amendments shall be reviewed to ensure consistency with the ~~purposes of this Chapter~~, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

**b.** Amendments shall be approved only when the following findings are made:

1. There is a demonstrated public need for the change;
2. The advantages to the community resulting from the change outweigh the disadvantages; and
3. The change proposed is a desirable means of meeting the public need.

**c.** Proposed amendments to the Comprehensive Plan Map shall demonstrate compatibility in the following areas, as applicable:

1. Basic site design (e.g., the organization of Uses on a site and the Uses' relationships to neighboring properties);
2. Visual elements (scale, structural design and form, materials, etc.);
3. Noise attenuation;
4. Odors and emissions;
5. Lighting;
6. Signage;
7. Landscaping for buffering and screening;
8. Transportation facilities;
9. Traffic and off-site parking impacts;
10. Utility infrastructure;
11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;
13. Preservation and/or protection of significant natural features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

**2.1.30.07- Review Criteria for Remainder of Comprehensive Plan Amendments**

- a. This Section addresses review criteria for Comprehensive Plan Map Amendments that involve a Map Amendment to Open Space-Conservation or Public Institutional, when such a Map Amendment is required as part of an Annexation request per Chapter 2.6 - Annexations.

This type of a Comprehensive Plan Map Amendment shall be reviewed to ensure consistency with the ~~purposes of this Chapter~~, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

- b. **Amendments shall be approved only when the following findings are made:**

1. The proposed Comprehensive Plan Map Amendment is part of an Annexation proposal; and
2. The Annexation proposal includes areas planned for open space, general community use, or public or semi-public ownerships; and the proposed Comprehensive Plan Map Amendment to Open Space-Conservation or Public Institutional pertains to these lands, as follows:
  - a) Areas planned for open spaces or future general community use, including planned parks, preserves, and general drainageway corridors, shall be redesignated on the

Map corrections made by the Director shall be reported to the Council and the owner of the property receiving the correction by noting the correction as a consent item on a Council agenda following the correction, and by mailing the property owner notification of the correction.

*[Section 2.1.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **2.2.30.03 - Review Criteria**

Legislative Zone Changes shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the ~~purposes of this Chapter~~, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

#### **2.2.30.04 - Action by the Planning Commission**

The Planning Commission shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Zone Change. The Commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria.

#### **2.2.30.05 - Action by the City Council**

Upon receipt of the Planning Commission's recommendation, the City Council shall set a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the petition or adopt an ordinance approving the proposed Zone Change or a modification thereof. The City Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

#### **2.2.30.06 - Notice of Disposition**

The Director shall provide a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the City Council's decision, a reference to findings leading to it, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

*[Section 2.2.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.2.40 - QUASI-JUDICIAL CHANGE PROCEDURES FOR ZONE CHANGES SUBJECT TO A PUBLIC HEARING**

- a. Quasi-judicial Zone Changes** - All Zone Changes not deemed legislative shall be quasi-judicial. Administrative Zone Changes are quasi-judicial Zone Changes that are not subject to a public hearing and are defined by and subject to the provisions



- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing. The public hearing will be conducted by:
  - 1. The Planning Commission, if the Zone Change is requested in conjunction with an Amendment to the Comprehensive Plan and is not a request to apply or remove a Historic Preservation Overlay;
  - 2. The Land Development Hearings Board, if no Comprehensive Plan Amendment is required to approve the Zone Change and the application is not a request to apply or remove a Historic Preservation Overlay;
  - 3. The Historic Resources Commission, if the request is to apply or remove a Historic Preservation Overlay and does not meet the definition for an Administrative Zone Change outlined in Section 2.2.50.b.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

#### **2.2.40.04 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall also include a recommendation for approval or denial.

#### **2.2.40.05 - Review Criteria**

- a. **Review Criteria for Zone Changes, Except Those Requesting to Apply or Remove a Historic Preservation Overlay**

Quasi-judicial Zone Changes shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the ~~purposes of this Chapter,~~ policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

and/or Historic Resources Commission, as applicable, shall become effective 12 days after the Notice of Disposition is signed.

- c. Unless an appeal has been filed, decisions of the Planning Commission made in conjunction with a Comprehensive Plan Amendment shall become final effective 12 days after the Notice of Disposition is signed. The Zone Changes will not take effect, however, until and unless the necessary Comprehensive Plan Amendment has been implemented by the City Council.

*[Section 2.2.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.2.50 - QUASI-JUDICIAL CHANGE PROCEDURES FOR ADMINISTRATIVE ZONE CHANGES**

- a. **Quasi-judicial Zone Changes** - As stated in Section 2.2.40.a, all Zone Changes not deemed legislative shall be quasi-judicial. Administrative Zone Changes are quasi-judicial Zone Changes that are not subject to a public hearing and are defined by and subject to the provisions below. All other quasi-judicial Zone Changes are subject to a public hearing and the provisions of Section 2.2.40.
- b. **Administrative Zone Change Defined** - A Zone Change is considered an Administrative Zone Change if the Change applies to one or more of the situations in "1," through "3," below.
  - 1. Establishment of a Conservation - Open Space Zone - A Zone Change is requested to establish a Conservation - Open Space Zone on property(ies) with a Natural Hazard Overlay or Natural Resource Overlay designation.
  - 2. Removal of a Residential Planned Development Overlay - A Zone Change is requested to remove a residential Planned Development Overlay and both "a," and "b," below are true:
    - a) The underlying Zone designation is RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, or MUR; and
    - b) The request is limited to the removal of the Planned Development Overlay and there is no active Detailed Development Plan on the site. See Section 2.2.50.06.b.3.

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

#### **2.3.30.04 - Review Criteria**

Requests for Conditional Developments shall be reviewed to ensure consistency with the ~~purposes of this Chapter~~, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

- a. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);
- b. Visual elements (scale, structural design and form, materials, etc.);
- c. Noise attenuation;
- d. Odors and emissions;
- e. Lighting;
- f. Signage;
- g. Landscaping for buffering and screening;
- h. Transportation facilities;
- i. Traffic and off-site parking impacts;
- j. Utility infrastructure;
- k. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
- l. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and
- m. Preservation and/or protection of Significant Natural Features, consistent with Chapter Chapter 2.11 - Floodplain Development Permit, 4.2 - Landscaping,

#### **2.3.30.08 - Effective Date**

Unless an appeal has been filed, the decision of the hearing authority shall become effective 12 days after the Notice of Disposition is signed.

#### **2.3.30.09 - Effective Period of Conditional Development Approval**

Conditional Development approval shall be effective for a ~~two~~four-year period from the date of approval. If the applicant has not begun the Conditional Development or its phases within the ~~two~~four-year period, all approvals shall expire. ~~Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed two additional years.~~

#### **2.3.30.10 - Review Criteria for Determining Compliance with an Approved Conditional Development**

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in substantial compliance with the approved Conditional Development. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in Section 2.3.30.04, does not involve modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Conditional Development approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Conditional Development. Minor revisions shall be allowed if all of the following are met:

1. Falls below the thresholds identified in Section 2.3.40.02.a;
2. Does not affect any conditions of approval;
3. Adds, or reduces, less than 1,000 sq. ft. of floor area to the approved development plan, but does not result in the cumulative transfer of approved building square footage between approved buildings beyond 1,000 square feet;
4. Complies with all applicable Land Development Code provisions; and
5. When evaluated in relation to all prior approved minor revisions to the approved Conditional Development, does not result in changes that would cumulatively exceed the thresholds listed above.



## **Section 2.3.40 - CONDITIONAL DEVELOPMENT MODIFICATION**

### **2.3.40.01 - Purposes of a Conditional Development Modification**

- a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conditional Developments; and
- b. Provide benefits within the development site that compensate for requested variations from approved Conditional Developments such that the intent of the original approval is still met.

### **2.3.40.02 - Thresholds of a Conditional Development Modification**

- a. The factors identified here describe the thresholds that separate a Conditional Development Modification from the need to apply for a new Conditional Development Permit:
  - 1. Change in Use Type;
  - 2. Increase in dwelling unit density;
  - 3. Decrease in dwelling unit density by more than three units for development sites one acre or smaller in size; or decrease in dwelling unit density by more than five units or by more than 10 percent, whichever is less, for development sites larger than one acre;
  - 4. Change in the ratio of the different types of dwelling units;
  - 5. Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate, or further separate, a building from pedestrian facilities, etc.);
  - 6. Change in the type and location of accessways and parking areas where off-site traffic would be affected or which result in a less pedestrian-friendly environment;
  - 7. Increase in the number of parking spaces where such increase

rescheduling of the required public hearing.

#### **2.4.30.03 - Staff Evaluation**

- a. Nonresidential Subdivisions** - For a Nonresidential Subdivision, the Director shall prepare a report that evaluates whether the proposal complies with the review criteria outlined in Section 2.4.30.04.a below. The report shall include a recommendation for approval or denial and, if needed, a list of Conditions of Approval for the Planning Commission to consider if an approval is granted.
- b. Residential Subdivisions** - For a Residential Subdivision, the Director shall prepare a Notice of Disposition that contains findings as to whether the proposal complies with the applicable review criteria outlined in Section 2.4.30.04.b, below; a decision for approval or denial; and, if needed, a list of Conditions of Approval if an approval is granted.

#### **2.4.30.04 - Review Criteria**

- a. Nonresidential Subdivisions** - Requests for the approval of a nonresidential Tentative Subdivision Plat shall be reviewed to ensure consistency with the ~~purposes of this Chapter and the~~ following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-street Parking Standards; and any other applicable policies and standards adopted by the City Council. Additionally, pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the areas in "1-13" below, as applicable.
  - 1. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);
  - 2. Visual elements (scale of potential development, etc.);
  - 3. Noise attenuation;

review criteria.

- b. **Action by the Director for Residential Subdivisions** - Following the staff evaluation outlined in Section 2.4.30.03, the Director shall approve, conditionally approve, or deny the Tentative Subdivision Plat. The Director's decision shall include findings that specify how the application has or has not complied with the above review criteria.

#### **2.4.30.06 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.4.30.07 - Appeals**

The decision of the Director or Planning Commission, whichever the decision-maker as outlined in this Chapter, may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.4.30.08 - Effective Date**

Unless an appeal is filed, the decision of the Director or the Planning Commission shall become effective 12 days after the Notice of Disposition is signed.

#### **2.4.30.09 - Effective Periods of Tentative Subdivision Plat Approval**

- a. **Effective Period for Nonresidential Subdivisions** - Tentative Subdivision Plat approval shall be effective for a ~~two~~four-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the ~~two~~four-year period (with appropriate assurances for improvements, if applicable), all approvals shall expire. ~~Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period once for a period not to exceed one additional year.~~
- b. **Effective Period for Residential Subdivisions** - Tentative Subdivision Plat approval shall be effective for a two-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the two-year

period (with appropriate assurances for improvements, if applicable), all approvals shall expire.

*[Section 2.4.30 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.4.40 - FINAL SUBDIVISION PLAT REVIEW PROCEDURES**

### **2.4.40.01 - Application Requirements**

Three originals of the Final Subdivision Plat, as well as an electronic version of the Plat that is compatible with City formats, shall be submitted to the Director. The Final Subdivision Plat shall conform to the approved Tentative Subdivision Plat and Article IV - Development Standards, except where modified by a Planned Development approval. See Chapter 2.5 - Planned Development. The Final Subdivision Plat shall also meet Benton County's survey and Subdivision Plat standards and contain or be accompanied by the following information:

- a. Name of the Subdivision ;
- b. Date, north arrow, scale, legend, and existing features such as highways and railroads;
- c. Legal description of Subdivision boundaries;
- d. Reference and bearings to adjoining recorded surveys;
- e. Exact location and width of streets and easements intersecting the boundary of the Subdivision;
- f. Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:
  1. Lot numbers shall begin with the number "1", and shall be numbered consecutively in each block. The numbering generally follows the same sequence as sections in a township;
  2. Block numbers shall begin with the number "1", and shall be numbered consecutively without omission or duplication throughout the Subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate other elements of the Final Subdivision Plat. Block and lot numbers in an



Chapter 4.6 - Solar Access; and

7. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.

- h. Any proposed Floodplain Development Permit variation that exceeds the scope of Section 2.11.60.01.a shall also meet the Floodplain Development Permit Variance application requirements in Section 2.11.60.02 and, as applicable, Section 2.11.50.01.

i. Required fees as described in LDC § 1.2.100.01.

**2.5.40.02 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
  - b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
  - c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

**2.5.40.03 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the Conceptual Development Plan complies with the review criteria below. The report shall also include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

**2.5.40.04 - Review Criteria**

Requests for the approval of a Conceptual Development Plan shall be reviewed to

ensure consistency with the ~~purposes of this Chapter~~, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

**a. Compatibility Factors -**

1. Compensating benefits for the variations being requested;
2. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);
3. Visual elements (scale, structural design and form, materials, etc.);
4. Noise attenuation;
5. Odors and emissions;
6. Lighting;
7. Signage;
8. Landscaping for buffering and screening;
9. Transportation facilities;
10. Traffic and off-site parking impacts;
11. Utility infrastructure;
12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards<sup>1</sup>; and

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<sup>1</sup>

Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2006, are allowed pursuant to the requirements of Section 4.10.70.01 - Applicability, of Chapter 4.10 - Pedestrian Oriented Design Standards.

Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

#### **2.5.40.06 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.5.40.07 - Appeals**

The decision of the Planning Commission may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.5.40.08 - Effective Date**

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the Notice of Disposition is signed.

#### **2.5.40.09 - Effective Period of Conceptual Development Plan Approval**

Conceptual Development Plan approval shall be effective for a ~~three~~four-year period from the date of approval. If the applicant has not submitted a Detailed Development Plan for the Planned Development or its phases within the ~~three~~four-year period, all approvals shall expire.

##### **a. Conceptual Development Plans on Residentially Designated Property -**

1. If the Conceptual Development Plan pertains to residentially designated property, was established at the request of the property owner, and there is no active Detailed Development Plan on any portion of the site, the property owner may request and be granted nullification of the Conceptual Development Plan in accordance with Section 2.5.80; ~~and~~
2. ~~Where the Planning Commission finds that conditions have not changed, at the property owner's request and at its discretion and without a public hearing, the Commission may extend the effective period once for a period not to exceed two additional years.~~

- ~~b. Conceptual Development Plans on Nonresidentially Designated Property - Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the effective period once for a period not to exceed two additional years.~~

*[Section 2.5.40 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES**

### **2.5.50.01 - Application Requirements**

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

**Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to this Code's applicable requirements.**

An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan in Section 2.5.40 above and shall also include the following:

#### **a. Graphic Requirements**

In addition to the graphic requirements specified for a Conceptual Development Plan in Section 2.5.40.01, a Detailed Development Plan shall include:

1. Location and floor area of existing and proposed structures and other improvements, including maximum heights, Building Types, and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, parking calculations, and walkways. Where required by the applicable zone, Lot Coverage and Green Area calculations shall be provided. Parking calculations shall also be provided;
2. Typical elevations and floor plans of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development,



application has or has not complied with the above review criteria.

#### **2.5.50.06 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.5.50.07 - Appeals**

- a. The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.
- b. Where an appeal has been filed for a Detailed Development Plan subsequent to Conceptual Development Plan approval, an appeal shall be heard by the City Council only for those items specifically addressed by the Planning Commission for the Detailed Development Plan.

#### **2.5.50.08 - Effective Date**

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the Notice of Disposition is signed.

#### **2.5.50.09 - Effective Period of Detailed Development Plan Approval**

Detailed Development Plan approval shall be effective for a ~~five~~four-year period from the date of approval. The approval shall expire if the applicant has not, within the ~~five~~four-year period:

##### **a. Single-phase Development -**

1. Installed and/or bonded for all public improvements related to the project; or
2. Applied for and received foundation permits for at least one building approved as part of the project.

##### **b. Multi-phase Development -**

1. Installed and/or bonded for all public improvements related to at least

the first phase of the project; or

2. Applied for and received foundation permits for at least one building approved as part of the project.

**c. An active Detailed Development Plan is defined as one that has -**

1. Not expired or been nullified;
2. A Final Subdivision or Land Partition Plat filed and recorded;
3. A Property Line Adjustment filed;
4. Any Building or Construction Permits issued; or
5. Any activities associated with Development as defined in Chapter 1.6 - Definitions.

**2.5.50.10 - Review Criteria for Determining Compliance with a Detailed Development Plan**

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with the approved Detailed Development Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.40.04, does not involve any new modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Detailed Development Plan approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Detailed Development Plan. Minor revisions shall be allowed if all of the following are met:

1. Falls below the thresholds identified in Section 2.5.60.02.a;
2. Does not affect any conditions of approval;
3. Does not affect any approved compensating benefits;
4. Adds, or reduces, less than 1,000 sq. ft. of floor area to the approved development plan, but does not result in the cumulative transfer of approved building square footage between approved buildings beyond 1,000 square feet;

5. Complies with all applicable Land Development Code provisions; and
6. When evaluated in relation to all prior approved minor revisions to the approved Planned Development, does not result in changes that would cumulatively exceed the thresholds listed above.

*[Section 2.5.50 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.5.60 - PLANNED DEVELOPMENT MODIFICATION**

This Section identifies the processes by which an approved Conceptual or Detailed Development Plan may be modified. In general, such plans may be modified in ~~three~~ four ways, depending upon the degree of modification proposed. These include the Lot Development Option process described in Chapter 2.12 - Lot Development Option, Minor Revisions to the Planned Development, and the Minor and Major Planned Development Modification processes described below. Within the Conceptual or Detailed Development Plan, the Lot Development Option process may only be used for modification of a specific standard at a specific location where no deviation from standards has already been approved.

### **2.5.60.01 - Purposes of a Planned Development Modification**

- a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conceptual or Detailed Development Plans; and
- b. Provide elements within the development site that compensate for requested variations from approved Conceptual or Detailed Development Plans such that the intent of the original approvals is still met.

### **2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification**

- a. The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification.
  1. Change in Use Type, with the exception that for a valid (still active) Planned Development that existed or was approved before December 31, 2006, a Modification request shall be considered as follows:
    - a) A request to add Uses permitted by the underlying zone to up

deviations from this Code's development standards, and does not involve changes to any specific requirements established at the time of Minor Planned Development Modification approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Minor Planned Development Modification.

*[Section 2.5.60 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.5.70 - NONCOMPLIANCE WITH THE APPROVED DETAILED DEVELOPMENT PLAN**

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer and Building Official in writing. Thereafter, the Building Official may issue orders to the developer as are within the range of discretion available to the Building Official, and upon continued noncompliance may withhold Building Permits for further construction or revoke those permits previously issued until compliance is achieved.

#### **Section 2.5.80 - PLANNED DEVELOPMENT NULLIFICATION**

##### **a. Conceptual Development Plan Nullification for Residentially Designated Property -**

1. Property owner(s) or their authorized agents may apply to nullify an active (unexpired) Conceptual Development Plan on residentially designated property by filing an application form provided by the Director and shall include the following:
  - a) Description of the land (address, lot, block, or similar description);
  - b) Map of the subject site, Comprehensive Plan Map Designation, underlying Zoning Map Designation, and Narrative addressing how the application meets the review criteria in Section 2.5.80.a.3, below;
  - c) Maps, drawings, and such other information as may be needed for an adequate review of the application;
  - d) Copies of any applicable Notices of Disposition and/or other documents that explain the background regarding the approval of the Conceptual Development Plan on the subject site and the status of any other land use approvals on the site, including whether or not



standards adopted by the City Council;

- b. Approval does not impede future development of property within the boundaries of the approved Refinement Plan; and
- c. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including the provision of City services and access from a public street.

#### **2.5.100.07 - Action on Application, Notice of Disposition, Appeals, and Effective Date**

Action on the application, the Notice of Disposition, appeals, and the effective date of the Expedited Land Division shall be in accordance with sections 2.14.30.06 through 2.14.30.09 of Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

#### **2.5.100.08 - Effective Period of Expedited Land Division Approval**

Approval of an Expedited Land Division shall be valid for a period of one two years from the effective approval date. ~~Upon request, the Director may approve a single one-year time extension on the approval.~~

#### **2.5.100.09 - Final Plat Review Procedures**

Final Plat review procedures for an Expedited Land Division shall be in accordance with Section 2.14.40 of Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

*[Section 2.5.100 amended by Ordinance 2012-00x, effective December X, 2012]*

i. Required fees as described in LDC § 1.2.100.01.

#### **2.6.30.04 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application has been accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

#### **2.6.30.05 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the Annexation proposal includes adequate information for the hearing authority to determine the proposal's compliance with the review criteria in Sections 2.6.30.06 and 2.6.30.07. The report shall include a recommendation to the Planning Commission and City Council stating whether the Annexation includes adequate information for the electorate to make an informed decision.

The Planning Commission and City Council shall determine whether the Annexation proposal complies with the review criteria and whether the Annexation request should be referred to the electorate.

#### **2.6.30.06 - Review Criteria**

Requests for Annexations shall be reviewed to ensure consistency with the ~~purposes of this Chapter~~, applicable policies of the Comprehensive Plan, particularly Article 14, and other applicable policies and standards adopted by the City Council and State of Oregon.

Annexations can only be referred to the voters when the proposed Annexation site is within the City's Urban Growth Boundary (UGB), and where the findings below are made. The criteria are highlighted in bold type.

- a. **The applicant has demonstrated a public need for the Annexation -**
  1. Minor Annexations - Factors to be considered in evaluating public need for Minor Annexations shall include, but are not limited to:
    - a) Reason for the Annexation;

#### **2.6.30.10 - Appeals**

The decision of the Planning Commission regarding the zoning designation may be appealed in accordance with Chapter 2.19 - Appeals. The Commission's recommendation regarding the Annexation is not a final decision.

#### **2.6.30.11 - Effective Date of Zoning Designation**

Unless an appeal has been filed, the decision of the Planning Commission regarding establishment of the zoning designation shall become effective 12 days after the Notice of Disposition is signed.

If the Annexation is not forwarded to the voters by the City Council, or the electorate does not approve the Annexation, then the newly established zoning designation shall become null and void.

#### **2.6.30.12 - Action by the City Council**

Upon receipt of the Planning Commission's recommendation the proposed Annexation shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings. The Council shall review all proposals in time to comply with county or state deadlines for submitting measures to the voters in May or November. The Council shall set an Annexation for an election only when it finds that the Annexation is consistent with the review criteria in Sections 2.6.30.06 and 2.6.30.07.

Note: The City Council's decision to submit an Annexation to the electorate is the last discretionary decision in the process. Certifying the election after votes are counted is not a discretionary decision.

#### **2.6.30.13 - Public Information**

Public information for each Annexation scheduled for an election shall be reviewed by the Council and published in a newspaper of general circulation in the City at least 10 days before the election, and coordinated with the date that the ballots are mailed. The information shall include a summary of the key components and positive and negative effects of the Annexation that the Council used in deciding to place the Annexation request on the ballot. The information shall also state that staff reports are available from the Planning Division.

*[Section 2.6.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.6.40 - EXCEPTIONS**

The City Council may authorize an exception to the requirements of this Chapter involving filing fees and deadlines, and application requirements. An exception to these provisions shall require a favorable vote of the Council. Unless required by state law, the City Council shall not provide an exception to the requirement of voter approval.

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial.

#### **2.7.50.05 - Review Criteria**

Requests for Extension of Services outside of the City limits shall be reviewed to ensure consistency with the ~~purposes of this Chapter~~, eligibility requirements in Section 2.7.30 above, policies of the Comprehensive Plan and other applicable policies and standards adopted by the City Council.

#### **2.7.50.06 - Action by the Planning Commission**

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the request. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

#### **2.7.50.07 - Action by the City Council**

Upon receipt of the Planning Commission's recommendation the matter shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the application or adopt an ordinance conditionally approving the Extension of Services. The Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

#### **2.7.50.08 - Conditions of Approval**

Any ordinance for Extension of Services shall specify or limit Uses. In addition, the ordinance shall include appropriate Conditions of Approval, including the following:

- a. Extended City services shall be constructed in compliance with the City's adopted facility master plans;
- b. Extended City services shall be constructed in compliance with applicable City standards, regulations, and policies; and
- c. A non-remonstrance agreement for construction of municipal facilities shall be filed with the City Recorder.

#### **2.7.50.09 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings. The Notice of Disposition shall include a written statement of the hearing authority's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice of



Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.7.50.10 - Effective Date**

The Extension of Service ordinance shall become effective 30 days after its passage by the Council and approval by the Mayor.

*[Section 2.7.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.7.60 - ENFORCEMENT**

In addition to the penalties listed in Chapter 1.3 - Enforcement, a violation of the provisions of this Chapter may result in the City terminating sewer and/or water services to the subject property.

new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

#### **2.8.40.04 - Notice of the Public Hearing**

Notice of the public hearing shall be provided in accordance with Chapter 2.0 - Public Hearings, and ORS 271.110, as amended.

#### **2.8.40.05 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial.

#### **2.8.40.06 - Review Criteria**

A Vacation may be approved if the City Council finds that the request meets the following criteria:

- a. Is consistent with the ~~purposes of this Chapter~~, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council;
- b. Will not negatively affect access between public rights-of-way or existing properties, potential lots, or public facilities/utilities;
- c. Will not negatively affect existing or future transportation circulation or emergency service protection; and
- d. Will serve the present and future public interest.

#### **2.8.40.07 - Action by City Council**

A public hearing shall be conducted by the City Council in accordance with Chapter 2.0 - Public Hearings and ORS Chapter 271, as amended. Following the close of the public hearing, the City Council shall approve, conditionally approve, or deny the requested Vacation. In the case of vacated plats, the Council shall not pass any ordinance for the Vacation of all or part of the plat until the City Recording Officer has verified that all City liens and taxes have been paid.

No street area shall be vacated without the consent of owners of abutting properties if the vacating would substantially affect the market value of these properties, unless

the City Council directs a method by which the City provides for paying damages. Provisions for paying such damages may be made by a local assessment or in another manner as provided by the City charter. Two or more streets, alleys, avenues, and boulevards, or parts thereof, may be addressed in one proceeding provided they intersect or are adjacent and parallel to each other.

#### **2.8.40.08 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings. The Notice of Disposition shall include a written statement of the City Council's decision, reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice of Disposition shall also be mailed to all persons who presented oral or written testimony at the public hearing.

#### **2.8.40.09 - Effective Date**

The effective date of the vacating shall be the effective date in the signed ordinance vacating the property.

#### **2.8.40.10 - Existing Service Connections**

If the City Engineer determines that existing public utilities or service connections are not required for the proposed vacated land, they shall be removed prior to final action by the City Council.

*[Section 2.8.40 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.8.50 - VACATION RECORDS TO BE FILED**

The City shall file with the City Recorder a certified copy of the ordinance and any other legally required document vacating any street or plat. The applicant shall bear the cost of recording, preparing, and filing the certified copy of the ordinance and map. The City shall then file with the County Assessor and County Surveyor a certified copy of the ordinance.

#### **2.9.90.10 - Effective Date**

Unless an appeal has been filed, the Historic Preservation Permit decision shall become effective 12 days after the Notice of Disposition is signed.

#### **2.9.90.11 - Effective Periods of Approval**

- a. Director-level HPPs - Director-level Historic Preservation Permits shall be effective for a two-year period from the date of approval. ~~In the event that the applicant has not begun the development or its identified and approved phases prior to the expiration of the established effective period, the approval shall expire.~~**
- b. HRC-level HPPs - HRC-level Historic Preservation Permits shall be effective for a four-year period from the date of approval.**

#### **2.9.90.12 - Re-application Following Denial, Modification(s) to an Approved Historic Preservation Permit, and Partial Approval of a Historic Preservation Permit**

- a. Re-application Following Denial - Re-application for a Historic Preservation Permit following denial of that Permit is allowed in accordance with Section 2.0.50.15.**
- b. Modification(s) to An Approved and Unexpired Historic Preservation Permit - A proposal to modify an approved Historic Preservation Permit shall be processed as a new Historic Preservation Permit application, in accordance with the provisions of this Chapter. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the subject Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit. Approval of the new Historic Preservation Permit shall replace the existing Permit in whole or in part, whichever is applicable.**
- c. Partial Approval of a Historic Preservation Permit - An application for a Historic Preservation Permit may be approved in part, with a condition(s) clearly outlining the part(s) that is denied and the associated rationale (incompleteness and/or lack of compliance with applicable criteria). Re-**



application for a subsequent Historic Preservation Permit addressing the denied part of the original Permit is allowed, consistent with the criteria in Section 2.0.50.15. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit.

*[Section 2.9.90 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.9.100 - ALTERATION OR NEW CONSTRUCTION ACTIVITIES INVOLVING A DESIGNATED HISTORIC RESOURCE**

### **2.9.100.01 - Definition of Alteration or New Construction Involving a Designated Historic Resource**

An activity is considered an Alteration or New Construction involving a Designated Historic Resource when: the activity is not an exempt activity, a Demolition, or a Moving, as defined in Sections 2.9.70, 2.9.110, and 2.9.120, respectively; and the activity meets at least one of the descriptions in "a" through "c," below.

- a. The activity alters the exterior appearance of a Designated Historic Resource. Exterior appearance includes a resource's facade, texture, design or style, material, or fixtures;
- b. The activity involves a new addition to an existing Designated Historic Resource or new freestanding construction on a Designated Historic Resource property; or
- c. The activity involves installation of a Designated Historic Resource at a new site location, following a Moving, if the new site is within the City limits. If the new site of the Designated Historic Resource is outside the City limits, no City evaluation of the resource's installation at that new site will occur because the City has no jurisdiction in such locations.

### **2.9.100.02 - Historic Preservation Permit Required for Alteration or New Construction Involving a Designated Historic Resource**

If an activity meets the definition for an Alteration or New Construction involving a Designated Historic Resource, as outlined in Section 2.9.100.01 above, then one of the two types of Historic Preservation Permits (Director-level or HRC-level) outlined in this Section and summarized in Section 2.9.60.b is required.

- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

#### **2.10.40.03 - Review Criteria**

Requests for approval of a Master Site Plan shall be reviewed in accordance with the review criteria identified in Section 2.3.30.04 of Chapter 2.3 - Conditional Development. Additional review factors shall include the following:

- a. Development shall comply with the applicable Use and development standards for the Neighborhood Center Zone;
- b. Development of infrastructure systems shall not interfere with the operations of adjacent uses of property that are not party to the Master Site Plan; and
- c. Development shall not preclude reasonable opportunities for the adjacent properties within the subject Neighborhood Center Zone, and not party to the application, to develop or redevelop in accordance with City requirements.

#### **2.10.40.04 - Action by the Planning Commission, Notices, Notice of Disposition, Appeals, and Effective Date**

The public review process for a Master Site Plan request shall be in accordance with Sections 2.3.30.05 through 2.3.30.08 of Chapter 2.3 - Conditional Development.

#### **2.10.40.05 - Effective Period of Master Site Plan Approval**

- a. Master Site Plan approval shall be effective for a ~~three~~four-year period from the date of approval. The approval shall expire if the applicant has not, within ~~three~~ four years:
  - 1. Installed and/or bonded for all public improvements related to the project - or the first phase, if the project was approved in phases; or
  - 2. Applied for and received foundation permits for at least one building approved as part of the project.

~~b. Master Site Plan approval shall also expire if the applicant has not, within five years of the completion of a phase of a phased development:~~

- ~~1. Installed and/or bonded for all public improvements related to the next phase of the project; or~~
- ~~2. Applied for and received foundation permits for at least one building approved as part of the next phase of the project.~~

~~c. At its discretion and without a public hearing, the Planning Commission may extend the approval once for a period not to exceed two additional years.~~

#### **2.10.40.06 - Review Criteria for Determining Compliance with an Approved Master Site Plan**

- a. An approval of a Master Site Plan shall apply only to the property(ies) included in the application. Development or major redevelopment on other properties adjacent to the subject properties and within the same Neighborhood Center Zone are also subject to the requirement for submittal of a Master Site Plan. Consistency between one property and another must be demonstrated through the submitted materials, review criteria, and conditions of approval.
- b. A site development permit request shall be reviewed to determine whether the request is in compliance with the approved Master Site Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.10.40.03, does not involve modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Master Site Plan approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Master Site Plan.

*[Section 2.10.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.10.50 - MASTER SITE PLAN MODIFICATION**

This Section identifies the processes by which an approved Master Site Plan may be modified. In general, such plans may be modified in two ways, depending upon the degree of modification proposed. These include the Minor and Major Master Site Plan Modification processes described below.



**b. Major Lot Development Option -**

1. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
2. After accepting a complete application, the Director shall schedule a public hearing to be held by the Land Development Hearings Board. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
3. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

**2.12.30.03 - Determination of Lot Development Option Type** - The Director shall determine whether an application qualifies as a Minor or Major Lot Development Option, as described in "a," and "b," below.

- a. Minor Lot Development Option - A Minor Lot Development is classified as General Development and shall be processed consistent with this chapter. A Lot Development Option shall be considered Minor if it:
  1. Meets "c" - "e," below; and
  2. Falls within the thresholds in "h," below.
- b. Major Lot Development Option - A Major Lot Development Option is classified as Special Development and shall be processed consistent with this chapter. A Lot Development Option shall be considered Major if it:



1. Meets "c" - "e," below;
  2. Exceeds the thresholds of a Minor Lot Development Option in "h," below; and
  3. Falls within the thresholds in "i," below.
- c. Unless otherwise stated in the following chapters, the Minor and Major Lot Development Option processes shall not be used to vary from the minimum and maximum density specified in each zone, standards in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
- d. Minor and Major Lot Development Option requests shall apply only to existing individual lots or parcels or to individual lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land Partition process. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined in this Chapter need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.
- e. Whether a Lot Development Option request is Minor or Major, no more than a total of three variations may occur within a two-year period on the subject property(ies) and its parent recorded Partition, Replat, or Subdivision plat (the development-wide provision applies only to plats recorded after January 1, 2000). If a single lot is involved, variations of up to three different development standards may occur. If a development site includes plans for multiple lots through a Minor Land Partition or Tentative Subdivision Plat, and multiple variations are needed, up to three lots may be involved in variations from the same development standard or different development standards.
- f. Variations exceeding the thresholds described in "a" and "b," above, shall be sought through the Planned Development process described in Chapter 2.5 - Planned Development.
- g. Variations to Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option, except for variations allowed per LDC Section 4.0.60.o., which shall be processed as a Minor Lot Development Option.

**h. Minor Lot Development Option Thresholds** -Minor Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that shall not exceed the thresholds listed below:

1. Reducing setbacks up to 40 percent for new Residential Use structures on an undeveloped existing lot zoned RS-3.5;
2. Reducing setbacks up to 100 percent for alterations to existing residential primary or accessory structures constructed prior to December 31, 2006;
3. Except as provided in "1," above, reducing interior side yards on corner lots up to 70 percent for new structures;
4. For lots with existing residential structures, reducing side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) by up to 100 percent. (Building Code may require special construction techniques and materials for structures near property lines)
5. Increasing the height of a structure by up to 10 percent;
6. Decreasing the required lot area by up to five percent. Applies To be applied only to lots created through the Minor Land Partition or Minor Replat process described in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments;
7. Decreasing required lot width by up to five ft., excluding accessway widths required for flag lots created through the Minor Land Partition or Minor Replat process;
8. Increasing the total ground area proposed to be covered by structures, parking spaces, or vehicular circulation areas by up to five percent over that which is permitted in the underlying zone;
9. Decreasing the area reserved for private outdoor space and/or Green Area by up to 10 percent;
10. Decreasing the project site amenities such as screening and/or landscaping by up to 10 percent;
11. Decreasing the required number of parking spaces by up to 50 percent; or increasing the number of compact parking spaces by up

to 50 percent for Residential Uses on an undeveloped lot zoned RS-3.5, for lots less than 1/4 acre (10,890 sq. ft.) in size, or on a lot containing residential structure(s) constructed prior to December 31, 2006, in any residential zone;

12. Increasing the fence height outside of Vision Clearance Areas by up to 33 percent;
13. Increasing the use size limitations up to 20% in the Mixed Use Community Shopping (MUCS) Zone. Increases in excess of 20% shall be processed through the Planned Development process in Chapter 2.5 - Planned Development.
14. Decreasing the designated Solar Access by up to 20 percent, except as provided in Chapter 4.6 - Solar Access; and
15. Increasing the block perimeter distances in Section 4.0.60.o by more than 50 percent, to minimize impacts to: slopes greater than 15 percent, public parks, Significant Natural Features, existing street and/or existing development patterns, and/or access management considerations, as determined by the City Engineer.
16. In addition to the thresholds identified above and in Item # 17 below, the following thresholds are allowed for lots less than 1/4 acre in size (10,890 sq. ft.):
  - a. Reducing the required front, side, and rear yard setbacks to no less than the corresponding minimum existing setback for legal development of primary structures (conforming or nonconforming) on any adjacent lot, if the adjacent lot is within the same zone;
  - b. Reducing side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) by up to 100 percent. (Building Code may require special construction techniques and materials for structures near property lines);
  - c. Increasing the height of a primary structure up to the height of a legal primary structure (conforming or non-conforming) on any adjacent lot (if the adjacent lot is within the same zone);

d. Decreasing the required lot area to the lot area of any adjacent legally-created lot within the same zone, if both lots will contain the same building type. To be applied only to lots created through the Minor Land Partition or Minor Replat process described in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments; and

e. Decreasing required lot width to the width of any adjacent, legally-created lot, excluding accessway widths required for flag lots created through the Minor Land Partition or Minor Replat process.

~~4517.~~ Adjusting up to 20 percent, other applicable clearly measurable development standards not addressed in "1" through "14," above, except that Floor Area Ratios (FARs) may not be varied because they are a required method of assuring that the land supply for commercial and industrial uses is not diluted in commercial and industrial zones where FAR restrictions are cited.

**i. Major Lot Development Option Thresholds -**

1. Major Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that exceed the Minor Lot Development Option thresholds in Section 2.12.30.03.g, above. The Major Lot Development Option process shall apply to all Zones; and

~~2. Major Lot Development Option requests may be filed only for residential uses on existing individual residentially zoned lots or parcels, or for individual residential lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land Partition process.~~

~~32.~~ A request to vary from the requirements of Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option, except for variations allowed per LDC Section 4.0.60.o, which shall be processed as a Minor Lot Development Option.

j. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined respectively in "a" through "i," above, need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.



#### **2.12.30.05 - Staff Evaluation**

- a. **Minor Lot Development Option, Except for Variations to Block Perimeter Standards** - The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.12.30.06.a, below.
- b. **Minor Lot Development Option for Variations to Block Perimeter Standards** - Where allowed by Section 2.12.30.03.h.15, the application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.12.30.06.b, below
- bc. **Major Lot Development Option** - The Director shall prepare a report that evaluates whether the proposal complies with the review criteria in Section 2.12.30.06.bc, below. The report shall include a recommendation for approval or denial and, if needed, a list of conditions for the Land Development Hearings Board to consider if an approval is granted.

#### **2.12.30.06 - Review Criteria**

- a. **Minor Lot Development Option** - With respect to the requested variation, a Minor Lot Development Option shall be reviewed to determine if the following criteria have been met:
  - 1. The proposal is consistent with Section 2.12.30.03.a and Sections 2.12.30.03.c-e and "h;"
  - 2. The land use for the proposed development is allowed in the underlying zone;
  - 3. The proposed development falls within the minimum and maximum density requirements for the underlying zone;
  - 4. All structures comply with Building and Fire Codes and Vision Clearance requirements established by the City Engineer;
  - 5. The proposed development is not contrary to ~~the background and purposes in Sections 2.12.10 and 2.12.20 and~~ any other applicable policies and standards adopted by the City;
  - 6. The proposed development does not substantially reduce the amount of privacy enjoyed by users of neighboring structures when compared to development located as specified by this Code;

7. The proposed development does not adversely affect existing physical and natural systems, such as traffic, drainage, dramatic land forms, or parks, nor adversely affect the solar access potential for abutting properties when compared to development located as specified in this Code;
8. Where architectural features are involved, the proposed development is compatible with the design character of existing structures on adjoining properties;
9. Where variations are proposed to Chapter 4.10 - Pedestrian Oriented Design Standards, the proposed development implements the purpose(s) of that chapter through inclusion of additional benefits to the pedestrian environment that compensate for the requested variations from development standards;
10. Preservation and/or protection of Significant Natural Features is achieved, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets are also designed along contours, and structures are designed to fit the topography of the site to ensure compliance with these Code standards; and
11. The proposed development shall provide benefits within the development that compensate for the variations from development standards such that the intent of the development standards is still met.

**b. Minor Lot Development Option for Variations to Block Perimeter Standards - A Minor Lot Development Option request to vary from the block perimeter standards shall be reviewed to ensure consistency with the policies of the Comprehensive Plan, other applicable policies and standards adopted by the City Council, and the following criteria:**

- 1. The proposal is consistent with Section 2.12.30.03.a and Sections 2.12.30.03.c-d and "h.15:" and.**
- 2. The benefits to the public received by minimizing impacts to: slopes greater than 15 percent, public parks, Significant Natural Features,**

existing street and/or existing development patterns, and/or access management considerations, outweigh the benefits of providing a street(s) consistent with the provisions in Section 4.0.60.o.

**bc. Major Lot Development Option** - A Major Lot Development Option shall be reviewed to ensure consistency with the ~~purposes of this Chapter~~, policies and density requirements of the Comprehensive Plan, other applicable policies and standards adopted by the City Council, and the following criteria:

1. The proposal is consistent with Section 2.12.30.03.b, c, d, e, g, and i;
2. The proposal is consistent with "a.2" through "a.140," above; and
3. With respect to the requested variations, the application demonstrates compatibility in the following areas, as applicable:
  - a) Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);
  - b) Visual elements (scale, structural design and form, materials, etc.);
  - c) Noise attenuation;
  - d) Odors and emissions;
  - e) Lighting;
  - f) Signage;
  - g) Landscaping for buffering and screening;
  - h) Transportation facilities;
  - i) Traffic and off-site parking impacts;
  - j) Utility infrastructure;
  - k) Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

- l) Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and
- m) Preservation and/or protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

#### **2.12.30.07 - Action on Application**

- a. **Minor Lot Development Option** - Based on the review criteria above and any written comments received from affected parties, the Director shall review the proposed development and either approve, conditionally approve, or deny the application after the completion of the 14-day comment period.
- b. **Major Lot Development Option** - The Land Development Hearings Board shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Board shall approve, conditionally approve, or deny the Major Lot Development Option. The Board's decision shall include findings that specify how the application has or has not complied with the review criteria in Section 2.12.30.06.b*c*.

#### **2.12.30.08 - Notice of Disposition**

- a. **Minor Lot Development Option** - The Director shall provide the applicant with a Notice of Disposition that includes a written statement of the decision, a reference to the findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice shall also be mailed to persons who provided written comment on the mailed notice. The Notice of Disposition and all applicable information shall be available in the Development Services Division of the Community Development Department.
- b. **Major Lot Development Option** - The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Land Development Hearings Board's



decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.12.30.09 - Appeals**

- a. **Minor Lot Development Option** - The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.
- b. **Major Lot Development Option** - The decision of the Land Development Hearings Board may be appealed in accordance with Chapter 2.19 - Appeals.

#### **2.12.30.10 - Effective Date**

- a. **Minor Lot Development Option** - Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the notice of disposition is signed.
- b. **Major Lot Development Option** - Unless an appeal has been filed, the decision of the hearing authority shall become effective 12 days after the notice of disposition is signed.

#### **2.12.30.11 - Effective Period of Approval**

- a. **Minor Lot Development Option** - ~~Both Minor and Major~~ Lot Development Option approvals shall be effective for a two-year period from the date of approval. If the applicant has not begun the development or its phases within the two-year period, the approval shall expire.
- b. **Major Lot Development Option** (underlined) - Major Lot Development Option approvals shall be effective for a four-year period from the date of approval. If the applicant has not begun the development or its phases within the four-year period, the approval shall expire.

[Section 2.12.30 amended by Ordinance 2012-00x, effective December X, 2012]

6. Statement that a Notice of Disposition shall be provided to the applicant and any person who submits comments;
7. An explanation of appeal rights; and
8. A summary of the local decision-making process.

#### **2.13.30.04 - Staff Evaluation**

The application and any written comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.13.30.05 below.

#### **2.13.30.05 - Review Criteria**

Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

- ~~a.~~ ~~The proposed development shall be in conformance with the purposes of this Chapter;~~
- ba. Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses;
- cb. The proposed development shall not adversely affect traffic, parking, and access; and
- dc. Where Significant Natural Features are involved, the proposed development shall not adversely impact Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

#### **2.13.30.06 - Action on Application**

Based on the review criteria above and any written comments received from affected parties, the Director shall review the proposed development and either

approve, conditionally approve, or deny the application after the completion of the 14-day comment period.

#### **2.13.30.07 - Revisions of Proposed Plan**

Any revisions of a proposed plan shall be made prior to Building Permit approval.

#### **2.13.30.08 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition that includes a written statement of the decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice of Disposition shall also be mailed to persons who provided written comment on the mailed notice. The Notice and all applicable information shall be available in the Development Services Division of the Community Development Department.

#### **2.13.30.09 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.13.30.10 - Effective Date**

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the Notice of Disposition is signed.

#### **2.13.30.11 - Effective Period of Approval**

Plan Compatibility Review approval shall be effective for a two-year period from date of approval. If the applicant has not begun the development within the two-year period, the approval shall expire.

*[Section 2.13.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **2.14.30.04 - Staff Evaluation**

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.14.30.05 below.

#### **2.14.30.05 - Review Criteria**

Requests for approval of a Tentative Partition Plat shall be reviewed to ensure:

- a. **Nonresidential Partitions** - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:
  1. Consistency with the ~~purposes of this Chapter and the~~ following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-street Parking Standards; and any other applicable policies and standards adopted by the City Council;
  2. Pursuant to Comprehensive Plan Policy 3.2.7, demonstrated compatibility in the areas in "a," through "m," below, as applicable:
    - a) Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);
    - b) Visual elements (scale of potential development, etc.);
    - c) Noise attenuation;
    - d) Odors and emissions;
    - e) Lighting;
    - f) Signage;
    - g) Landscaping for buffering and screening;



Disposition and all applicable information shall be available in the Development Services Division of the Community Development Department.

#### **2.14.30.08 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.14.30.09 - Effective Date**

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the Notice of Disposition is signed.

#### **2.14.30.10 - Effective Period of Tentative Partition Plat Approval**

Approval of a Tentative Partition Plat shall be valid for a ~~one~~two-year period from the effective approval date. ~~Upon request, the Director may approve a single one-year extension to the approval.~~

*[Section 2.14.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.14.40 - FINAL PLAT REVIEW PROCEDURES**

#### **2.14.40.01 - Application Requirements**

- a. The Final Partition Plat shall conform to the approved Tentative Partition Plat, as defined in Chapter 4.4 - Land Division Standards, and any Conditions of Approval.
- b. An Oregon licensed land surveyor shall prepare the Final Partition Plat in accordance with ORS Chapters 92 and 209, as amended, and in conformance with the Final Partition Plat standards established by the County Surveyor.
- c. An Oregon-licensed land surveyor shall survey and place monuments on the parcels. All monuments on the exterior boundary and all parcel corner monuments for a partition shall be placed before the partition is offered for recording.
- d. The Final Plat shall include or be accompanied by:

**dd. Spectator Sports and Entertainment** - Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. The following are Spectator Sports and Entertainment Use Types:

1. Limited - Uses conducted on a development site and in an enclosed indoor area that generate an attendance of 299 or fewer people. Typical Uses include small theaters and meeting halls.
2. Other - Uses conducted on a development site in an open outdoor area and/or Uses conducted on a development site that generate an attendance of 300 or more people. Typical Uses include multi-plex theaters, large theaters, large exhibition halls, and sports stadiums.

**ee. Swap Meets** - Display, exchange, barter, or sale of new or used personal or common household items or office equipment and furnishings, provided that such activity is not a temporary Use. Typical Uses include flea markets where clothing, personal effects, household furnishings, and household appliances are sold or otherwise exchanged.

**ff. Technology and Support Services** - A center or facility where employees receive and make contact with the public to promote products and/or services, or provide technical support with regard to specific manufactured items. This use type also applies to facilities used to store and operate computer systems and associated components. Typical uses include call centers, customer support centers, data centers, technical support centers, and telemarketing centers.

~~**Technical Support Center** - An incoming call center that receives calls for technical assistance concerning specific manufactured items such as computers, appliances, etc. Employees of the Technical Support Center answer questions to provide this technical support to persons who call.~~

~~**gg. Telemarketing Center** - An outgoing call center where employees call the public to promote a product and/or service or an assortment of products and/or services.~~

**hhgg. Temporary Outdoor Markets** - Retail sales, personal services, or food and beverage sales that are conducted wholly or partially in an outdoor setting oriented to pedestrian activity and public gathering, and temporary in nature. Temporary Outdoor Markets shall not persist more than 45 days per calendar year per property. Permanent structures are not a part of these Uses.

located on public or private land, and managed collectively by a group for the purpose of growing food-producing or ornamental plants. Community Gardens are only accessory uses to Civic Use Types, except in the OSU zone or as required in the RS-12 and RS-20 zones. Examples of community gardens include, but are not limited to, neighborhood gardens, school gardens, therapeutic gardens, demonstration gardens, and gardens operated on public lands. End products are typically consumed by those tending the garden, but may also be donated, or sold on or off-site.

#### **3.0.30.06 - Extractive Use Types**

Extractive Use Types include the on-site production of mineral products by extractive methods. Also included is development that is Accessory to these Uses as specified in Chapter 4.3 - Accessory Development Regulations.

**Mining and Processing** - Surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical Uses are borrow pits, oil and gas drilling rigs, and concrete batch plants.

*[Section 3.0.30 amended by Ordinance 2012-00x, effective December X, 2012]*

	Standard
<p><b>e.</b> Minimum Setbacks</p> <ol style="list-style-type: none"> <li>1. Front yard</li> <li>2. Rear yard</li> <li>3. Side yard (<del>interior</del>)</li> <li>4. <del>Corner lot</del> <u>Exterior Side Yard</u></li> </ol> <p>See also "k," and "l," below.</p>	<p>15 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft.</p> <p>25 ft.</p> <p>8 ft.</p> <p>20 ft. <del>minimum on side abutting street</del> and vision clearance in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading and Access Requirements.</p>
<p><b>f.</b> Minimum Garage/Carport Setbacks</p> <ol style="list-style-type: none"> <li>1. Garage/carport entrance parallel to street</li> <li>2. Garage/carport entrance sideways/perpendicular to the street</li> </ol> <p>See also "k," and "l," below.</p>	<p>19 ft.</p> <p>15 ft.</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p>
<p><b>g.</b> Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
<p><b>h.</b> Maximum Structure Height</p>	<p>30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.</p>
<p><b>i.</b> Maximum Building Site Coverage</p>	<p>None</p>
<p><b>j.</b> Off-street Parking</p>	<p>See Chapter 4.1 - Parking Loading and Access Requirements.</p>



	Standard
k. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within <del>any</del> required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area, but</del> within <del>five to</del> 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area, but</del> greater than 10 ft. from a property line, such equipment requires no screening.</p>
l. Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m. Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n. Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o. Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p. Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
q. Landscaping	See Section 3.1.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r. Required Green Area and Private Outdoor Space	See Section 3.1.40, below.
s. Landslide Hazards and Hillside	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 3.1.30 amended by Ordinance 2012-00x, effective December X, 2012]

### Section 3.1.40 - GREEN AREA REQUIREMENTS

- a. A minimum of 50 percent of the gross lot area shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c. Within the required Green Area for single-family dwellings, a Private Outdoor Space

	Standard
<p>d. Minimum Lot Width</p> <ol style="list-style-type: none"> <li>1. Single Detached and Attached 60 ft.</li> <li>2. Duplex (or other configuration of building types resulting in two units) 80 ft.</li> <li>3. Triplex (or other configuration of building types resulting in three units) 120 ft.</li> </ol>	
<p>e. Minimum Setbacks (all Building Types)</p> <ol style="list-style-type: none"> <li>1. Front yard 15 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft.</li> <li>2. Rear yard 15 ft.</li> <li>3. Side yard <ol style="list-style-type: none"> <li>a) Single Detached 5 ft. minimum each side yard</li> <li>b) Single Attached and Zero Lot Line Detached 0 ft. one side; 8 ft. minimum on opposite side<sup>1</sup></li> <li>c) Duplex and Triplex 10 ft. minimum each side</li> </ol> <p>Also, interior attached townhouses exempt from interior side yard setbacks.</p> </li> <li>4. <del>Corner lot</del> <u>Exterior Side Yard</u> 15 ft. <del>minimum on side abutting the street</del> and vision clearance in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</li> </ol> <p>See also "k," and "l," below.</p>	
<p>f. Minimum Garage/Carport Setbacks</p> <ol style="list-style-type: none"> <li>1. Garage/carport entrance parallel to street 19 ft.</li> <li>2. Garage/carport entrance sideways/perpendicular to street 15 ft.</li> </ol> <p>See also "k," and "l," below.</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p>	

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

	Standard
<p>g. Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
h. Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits, or Chapter 4.6 - Solar Access.
i. Maximum Lot Coverage	50 percent of lot area maximum; interior attached townhouses exempt from this provision
j. Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.
<p>k. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures</p>	<p>Shall not be placed within <del>any</del> required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area, but</del> within <del>five to</del> 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area, but</del> greater than 10 ft. from a property line, such equipment requires no screening.</p>
l. Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m. Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n. Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o. Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.

	Standard
p. Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 – Riparian Corridor and Wetland Provisions.
q. Landscaping	See Section 3.2.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r. Required Green Area and Private Outdoor Space	See Section 3.2.40, below.
s. Landslide Hazards and Hillside	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.2.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.2.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.2.35 added by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.2.40 - GREEN AREA REQUIREMENTS**

- a. A minimum of 50 percent of the gross lot area, and a minimum of 30 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c. Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for



	Standard
<p><b>e. Setbacks</b></p> <p>1. Front yard</p> <p>2. Rear yard</p> <p>3. Side yard</p> <p>a) Single Detached</p> <p>b) Single Attached and Zero Lot Line Detached</p> <p>c) Duplex, Triplex and Fourplex</p> <p>4. <del>Corner lot</del> <u>Exterior Side Yard, and Rear Yard abutting a Street</u></p> <p>See also "k," and "l," below.</p>	<p>10 ft. minimum; 25 ft. maximum</p> <p>Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.</p> <p>5 ft. minimum <del>and each lot must have a minimum 15 ft. usable yard either on the side or rear of the dwelling.</del></p> <p>5 ft. minimum each side yard</p> <p>0 ft. one side; 8 ft. minimum on opposite side<sup>1</sup></p> <p>10 ft. minimum each side</p> <p>Also, interior attached townhouses exempt from interior side yard setbacks.</p> <p>10 ft. minimum <del>on side abutting the street; and</del> <u>vision clearance areas in accordance with</u> Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</p>
<p><b>f. Minimum Garage/Carport Setbacks</b></p> <p>1. Garage/carport entrance parallel to street</p> <p>2. Garage/carport entrance sideways/perpendicular to street</p> <p>See also "k," and "l," below.</p>	<p>19 ft.</p> <p>10 ft.</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

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For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

	Standard
<p><b>g.</b> Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
<b>h.</b> Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access
<b>i.</b> Maximum Lot Coverage	60 percent of lot area maximum; interior attached townhouses exempt from this provision
<b>j.</b> Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements
<b>k.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within any required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area, but</del> within <del>five to</del> 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area, but</del> greater than 10 ft. from a property line, such equipment requires no screening.</p>
<b>l.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>m.</b> Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
<b>n.</b> Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions .

	Standard
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.3.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.3.40, below.
<b>s.</b> Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.3.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.3.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.3.35 added by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.3.40 - GREEN AREA REQUIREMENTS**

- a.** A minimum of 40 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots, shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for multi-dwellings,

	Standard
<p><b>e. Setbacks</b></p> <p>1. Front yard</p> <p>2. Rear yard and Side yards</p> <p>Interior attached townhouses exempt from interior side yard setbacks.</p> <p>a) Single Detached</p> <p>b) Single Attached and Zero Lot Line Detached</p> <p>c) Duplex, Triplex and Fourplex</p> <p>d) Abutting a more restrictive zone</p> <p>3. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u></p> <p>See also "k," and "l," below.</p>	<p>10 ft. minimum; 25 ft. maximum</p> <p>Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.</p> <p>5 ft. minimum <del>and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.</p> <p>5 ft. minimum each side yard</p> <p>0 ft. one side; 8 ft. minimum on opposite side<sup>1</sup></p> <p>10 ft. minimum each side</p> <p>10 ft. minimum</p> <p>10 ft. minimum <del>on side abutting the street.</del> <u>and</u> vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</p>
<p><b>f. Minimum Garage/Carport Setbacks</b></p> <p>1. Garage/carport entrance facing/parallel to the street</p> <p>2. Garage/carport entrance sideways/perpendicular to street</p> <p>See also "k," and "l," below.</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.



	Standard
<p><b>g.</b> Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
<b>h.</b> Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.
<b>i.</b> Maximum Lot Coverage	<p>70 percent of lot area maximum; interior attached townhouses exempt from this provision.</p> <p>Green Area is calculated per lot.</p>
<b>j.</b> Off-street Parking	See Chapter 4.1 - Parking, Loading , and Access Requirements.
<b>k.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within <del>any</del> required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area, but</del> within <del>five to</del> 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area, but</del> greater than 10 ft. from a property line, such equipment requires no screening.</p>
<b>l.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>m.</b> Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
<b>n.</b> Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

	Standard
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.4.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.4.40, below.
<b>s.</b> Landslide Hazards and Hillside	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.4.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.4.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.4.35 added by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.4.40 - GREEN AREA REQUIREMENTS**

- a.** A minimum of 30 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.4.30 is met. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior

	Standard
<p><b>e. Setbacks</b></p> <p>1. Front yard</p> <p>2. Rear yard and Side yards Interior attached townhouses exempt from interior side yard setbacks.</p> <p>a) Single Detached</p> <p>b) Single Attached and Zero Lot Line Detached</p> <p>c) Duplex, Triplex and Fourplex</p> <p>d) Abutting a more restrictive zone</p> <p>3. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u></p> <p>See also "k," and "l," below.</p>	<p>10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.</p> <p>5 ft. minimum <del>and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.</p> <p>5 ft. minimum each side yard</p> <p>0 ft. one side; 8 ft. minimum on opposite side<sup>1</sup></p> <p>10 ft. minimum each side</p> <p>10 ft. minimum</p> <p>10 ft. minimum <del>on side abutting the street; and</del> vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</p>
<p><b>f. Minimum Garage/Carport Setbacks</b></p> <p>1. Garage/carport entrance facing/parallel to the street</p> <p>2. Garage/carport entrance sideways/perpendicular to street</p> <p>See also "k," and "l," below.</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.



	Standard
<p><b>g.</b> Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
<b>h.</b> Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.
<b>i.</b> Maximum Lot Coverage	<p>70 percent of lot area maximum; interior attached townhouses exempt from this provision.</p> <p>Green area is calculated per lot.</p>
<b>j.</b> Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.
<b>k.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within <del>any</del> required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area, but</del> within <del>five to</del> 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area, but</del> greater than 10 ft. from a property line, such equipment requires no screening.</p>
<b>l.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>m.</b> Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
<b>n.</b> Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.



	Standard
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.5.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.5.40, below.
<b>s.</b> Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.5.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.5.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.5.35 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.5.40 – GREEN AREA REQUIREMENTS**

- a.** A minimum of 30 percent of the gross lot area and a minimum of 20 percent for center-unit townhouses on interior lots shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.5.30 is met. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of

		Standard
e.	Setbacks	
	1. Front yard	10 ft. minimum; 25 ft. maximum Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
	2. Rear yard and Side yards  Interior attached townhouses exempt from interior side yard setbacks.)	5 ft. minimum <del>and each lot must have a minimum 15-ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
	a) Single Detached	5 ft. minimum each side yard
	b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side <sup>1</sup>
	c) Duplex and Multi-Dwelling	10 ft. minimum each side
	d) Abutting a more restrictive zone	10 ft. minimum
	3. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street; and</del> vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also "k," and "l," below.		
f.	Minimum Garage/Carport Setbacks	
	1. Garage/carport entrance facing/parallel to the street	19 ft. minimum
	2. Garage/carport entrance sideways/perpendicular to street	10 ft. minimum
See also "k," and "l," below.		Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.  Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

1 For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

	Standard
<p><b>g.</b> Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
<b>h.</b> Maximum Structure Height	35 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access
<b>i.</b> Maximum Lot/Site Coverage	<p>70 percent of lot area maximum; interior attached townhouses exempt from this provision.</p> <p>Green area is calculated per lot.</p>
<b>j.</b> Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements
<b>k.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within <del>any</del> required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area, but</del> within five to 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area, but</del> greater than 10 ft. from a property line, such equipment requires no screening.</p>
<b>l.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>m.</b> Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
<b>n.</b> Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.



	Standard
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.6.50, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.6.50, below.
<b>s.</b> Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.6.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.6.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE**

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-12 Zone:

- a.** Buildings with opposing windowed walls shall be separated by 20 ft.
- b.** Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- c.** Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b," above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- d.** Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e.** Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.
- f.** Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.



Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.7.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.7.30 - RS-12(U) DEVELOPMENT STANDARDS**

**Table 3.7-1 - RS-12(U) Development Standards - Standards Option**

	Standard
a. Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c. Minimum Lot Area	2,200 sq. ft. per dwelling unit
d. Minimum Lot Width	25 ft.
e. Setbacks	
1. Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2. Rear yard and Side yards	5 ft. minimum <del>and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
Interior attached townhouses exempt from interior side yard setbacks.	
a) Single Detached	5 ft. minimum each side yard
b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side <sup>1</sup>
c) Duplex and Multi-Dwelling	10 ft. minimum each side
d) Abutting a more restrictive zone	10 ft. minimum
3. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street; and</del> Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also "k," and "l," below.	

1 For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

	Standard
k. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within <del>any</del> required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area, but</del> within five to 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area, but</del> greater than 10 ft. from a property line, such equipment requires no screening.</p>
l. Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m. Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n. Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o. Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p. Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
q. Landscaping	See Section 3.7.50, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r. Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.7.50, below.
s. Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 3.7.30 amended by Ordinance 2012-00x, effective December X, 2012]

### Section 3.7.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-12(U) Zone:

- a. Buildings with opposing windowed walls shall be separated by 20 ft.
- b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design

## Section 3.8.30 - RS-20 DEVELOPMENT STANDARDS

### 3.8.30.01

**Table 3.8-1**

	Standard
a. Minimum Density	20 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	No Maximum
c. Minimum Lot Area	None
d. Minimum Average Lot Width	25 ft.
e. Setbacks	
1. Front, Side Yard, and Rear Yard	10 ft. minimum, except that portions may be reduced to 5 ft. provided that:
Unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.	1. The 5 ft. setback is applied to 50 percent or less of the building face related to a yard space;
Interior attached townhouses exempt from interior side yard setbacks.	2. An average 10 ft. setback shall be provided along the building face; and
	3. Where buildings exceed a length of 60 ft or exceed 3 stories, the above yard requirements shall be increased at a rate of 1 ft. for each 15 ft. of building length over 60 ft. and 2 ft. for each story over 3 stories.
2. Maximum Front Yard Setback	25 ft.; interior buildings within a development are exempt from this requirement.
3. Side and Rear Yard Setback Adjacent to Low Density Residential zones	Equal to most restrictive setback in the Low Density Residential zone.
4. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street</del> and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also "k," and "l," below.	

	Standard
k. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within any required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area</del>, but within <del>five to</del> 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area</del>, but greater than 10 ft. from a property line, such equipment requires no screening.</p>
l. Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m. Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n. Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o. Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p. Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
q. Landscaping	See Section 3.8.50, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r. Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.8.50, below.
s. Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

### 3.8.30.02 - Structure Height and Building Mass

- a. Primary structures in the RS-20 Zone shall not exceed a height of 65 ft. or five stories, whichever is less.
- b. Where a property in the RS-20 Zone abuts a property in the RS-9 or RS-9(U) Zone, the height of structures in the RS-20 Zone is limited to a maximum of 35 ft. within a distance of 20 ft. from the Medium Density Residential property. Where a street separates the land zoned RS-20 from the land zoned RS-9 or RS-9(U), this height restriction shall be in accordance with "d," below. See Figure 3.8-1 - Required Height Transition Area When a



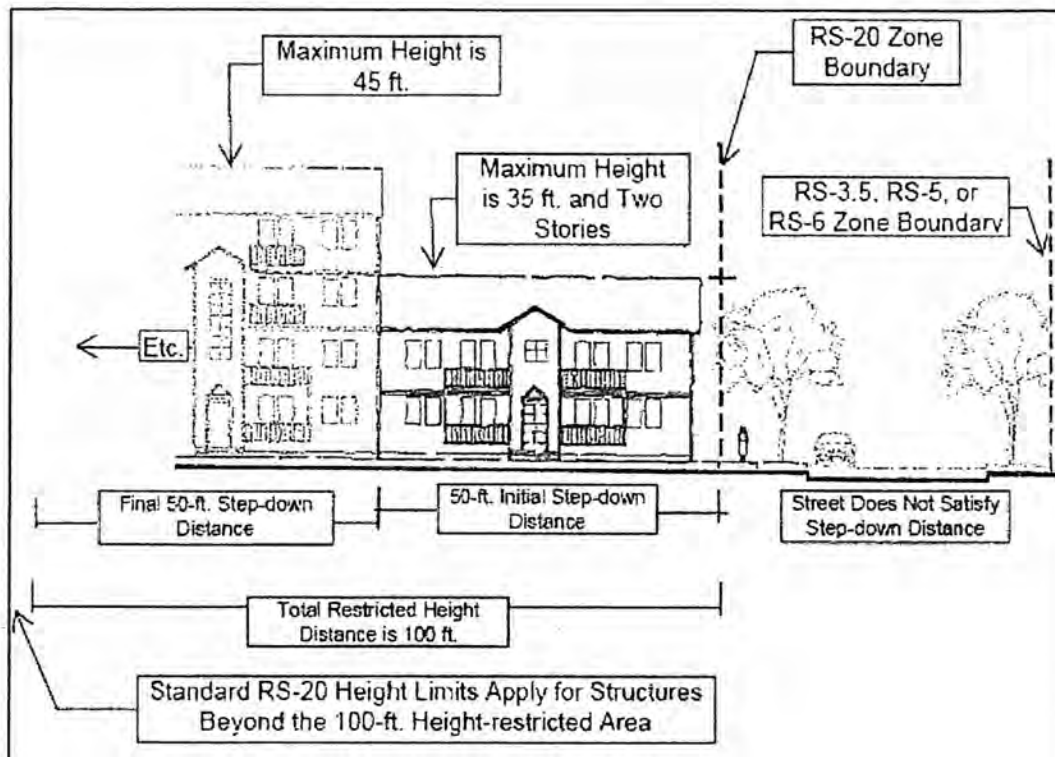


Figure 3.8-2 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-3.5, RS-5, or RS-6

- d. Where the RS-20 Zone is separated from the Low or Medium Density Residential zone by an existing or planned street, the measurements outlined in "b," and "c," above, shall be taken from the RS-20 side of the street, and the street shall not be counted to satisfy the distance needed for the step-down in height. In cases where the RS-20 zoning boundary immediately abuts the Low or Medium Density Residential zoning boundary, and an existing or planned street is located within the RS-20 Zone and also abutting the Low or Medium Density Residential zoning boundary, the street shall not be counted to satisfy the distance needed for the step-down in height. See Figure 3.8-1 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-9 or RS-9(U) and Figure 3.8-2 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-3.5, RS-5, or RS-6.
- e. Where a property in the RS-20 Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, buildings on the perimeter of the RS-20 site and closest to the Low Density Residential Zone shall be limited to 150 ft. in length.

[Section 3.8.30 amended by Ordinance 2012-00x, effective December X, 2012]

	Standard
<p><b>c. Setbacks</b></p> <ol style="list-style-type: none"> <li>1. Front and side yard</li> <li>2. Rear yard setback</li> <li>3. Side and rear yard setback adjacent to Low Density Residential zone</li> <li>4. <del>Corner Lot</del> <u>Exterior side yard</u> Front porches may encroach up to 5 ft. into setback area, provided vision clearance is still met and the porch's finished floor elevation is at least 3 ft. higher than the street sidewalk.</li> <li>5. Maximum setback against street <ol style="list-style-type: none"> <li><del>a) Mixed Use Buildings</del></li> <li><del>b) Multi-dwelling Structures</del></li> <li><del>c) Townhouses</del></li> </ol> Additions onto existing buildings are not subject to <del>these</del> <u>this</u> maximum setbacks. </li> </ol> <p>See also "h," and "i," below.</p>	<p>None, except as needed for Building Code compliance and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</p> <p>10 ft. minimum</p> <p>Equal to most restrictive setback in the Low Density Residential zone</p> <p><del>None, except as needed for Building Code compliance and 10 ft. minimum on side abutting the street.</del> Vision Clearance Areas in accordance with Section 4.1.40 of Chapter 4.1 - Parking, Loading, and Access Requirements.</p> <p><del>5 ft.</del> 15 ft. <del>13 ft.</del></p>
<p><b>d. Minimum Garage/Carport Setbacks</b></p> <ol style="list-style-type: none"> <li>1. Detached and attached units <ol style="list-style-type: none"> <li>a) Garage/carport entrance facing/parallel to the street</li> <li>b) Garage/carport entrance sideways/perpendicular to street</li> </ol> </li> <li>2. Multi-dwelling units</li> </ol> <p>See also "h," and "i," below.</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p> <p>Off-street parking and garages shall be located interior to the site in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

	Standard
<p>e. Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
f. Maximum Lot Coverage	<p>80 percent of the lot area maximum; interior attached townhouses exempt from this provision.</p> <p>Green Area is calculated per lot.</p>
g. Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.
h. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within any required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area, but</del> within <del>five to</del> 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area, but</del> greater than 10 ft. from a property line, such equipment requires no screening.</p>
i. Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
j. Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
k. Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
l. Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.

Area When a Development is Zoned MUR and is Next to Land Zoned RS-9 or RS-9(U) and Figure 3.9-2 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

- e. Where a property in the MUR Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, buildings on the perimeter of the MUR site and closest to the Low Density Residential zone shall be limited to 150 ft. in length.

*[Section 3.9.40 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.9.50 - MULTIPLE BUILDINGS ON ONE LOT OR SITE**

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the MUR Zone:

- a. Buildings with opposing windowed walls shall be separated by 20 ft.
- b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b" above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.
- f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.
- g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of the ground level.



<p><b>g.</b> Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
<p><b>h.</b> Maximum Structure Height</p>	<p>30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.</p>
<p><b>i.</b> Maximum Building Site Coverage</p>	<p>60 percent or 15,000 sq. ft., whichever is less.</p>
<p><b>j.</b> Off-street Parking</p>	<p>See Chapter 4.1 - Parking Loading and Access Requirements.</p>
<p><b>k.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures</p>	<p>Shall not be placed within <del>any</del> required <u>front yard</u> setback area.</p> <p>When located <del>outside a setback area, but</del> within <del>five to</del> 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area, but</del> greater than 10 ft. from a property line, such equipment requires no screening.</p>
<p><b>l.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures</p>	<p>Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.</p>
<p><b>m.</b> Minimum Assured Development Area (MADA)</p>	<p>See Chapter 4.11 - Minimum Assured Development Area (MADA).</p>
<p><b>n.</b> Special Flood Hazard Areas</p>	<p>See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.</p>

<b>o.</b>	Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b>	Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b>	Landscaping	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b>	Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.10.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.10.40 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.10.30 “m” through “r,” variations from development and design standards, such as standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

- b) Parking Services
- c) Postal Services - Customer
- d) Public Safety Services

2. Commercial Use Types -

- a) Business Support Services
- b) Finance, Insurance, Real Estate Services
- c) Medical Services
- d) Professional and Administrative Services
- e) Research Services
- f) Technology and Support Services - less than 10,000 sq. ft.
- fg) Temporary Outdoor Markets
- h) Vocational or Professional Training - within buildings only

c. **Accessory Use Types Permitted Outright**

- 1. Day Care, Commercial Facility
- 2. Day Care, Family
- 3. Essential Services
- 4. Home Business - applicable to residential units, and as defined in Chapter 1.6 - Definitions
- 5. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
- 6. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations

residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

- g. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

**h. Technology and Support Services - 10,000 sq. ft. or greater**

**3.11.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

- a. Drive-through Facilities accessory to a Permitted Use, such as financial institutions
- b. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions
- c. Projections such as chimneys, spires, domes and towers not used for human occupancy and exceeding 55 ft. in height in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U), the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less.  
Note: Flagpoles are subject to height requirements of Section 4.7.70.b in Chapter 4.7 - Sign Regulations.
- d. Residential Use Types permitted in the RS-20 Zone, which shall be developed either simultaneously with or following development of Primary and Accessory Uses permitted outright. Residences shall be arranged and located for principal service to the employees or users of one or more Primary Uses on the same development site or in the immediate vicinity, subject to the regulations of Sections 3.11.30 through 3.11.60.
- e. Freestanding Wireless Telecommunication Facilities up to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.



## **Section 3.11.30 - DEVELOPMENT STANDARDS**

### **3.11.30.01 - Dimensional Requirements**

Lot size permitted or authorized in this zone shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the zone.

### **3.11.30.02 - Setbacks**

Setbacks from lot lines abutting the following:

- a. Residential Zones - Shall be equal to the most restrictive setback required in the abutting subject yards. This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No parking or loading areas or driveways shall occupy the landscaped buffer area.
- b. Streets - Minimum of 15 ft. from all street rights-of-way.
- c. All Other Zones - None.
- d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Building Code.

### **3.11.30.03 - Height of Structures**

- a. Structures in the P-AO Zone shall not exceed a height of 45 ft., or three stories, whichever is less.
- b. Where the P-AO Zone abuts an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the height of structures within the P-AO Zone shall be limited to a maximum of 30 ft. in height (generally two stories) within the first 50 ft. of the property line; and a maximum of 45 ft. in height when more than 50 ft. from contiguous residentially zoned property.

### **3.11.30.04 - Lot Coverage**

Table 3.14-1 - Use Types		
<b>P = Use Types Permitted Outright</b> <b>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</b> <b>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</b> <b>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</b> <b>N = Not Permitted</b>		
Use Types	Permit Procedure	
	Minor NC	Major NC
25. Spectator Sports and Entertainment a) Limited b) Other	CD N	PC CD
26. <del>Technical</del> <u>Technology and Support Services Center</u> - upper floors only	P	P
<del>27. Telemarketing Center - upper floors only</del>	<del>P</del>	<del>P</del>
278. Temporary Outdoor Markets - limited to farmers' markets and similar uses	PC	P
28. <u>Vocational or Professional Training - upper floors only</u>	<u>P</u>	<u>P</u>
d. <b>Residential Use Types</b> - Family, Group Residential, Group Residential/Group Care, Residential Care Facilities, Home Business <sup>4</sup>	P	P
e. <b>Residential Building Types</b> - Attached, Townhouse, Multi-dwelling. Any residential Building Type may be authorized through a Planned Development approval	PC	P
f. <b>Accessory Uses</b> <sup>5</sup>		
1. Essential Services - contained within enclosed building	P	P
2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P	P

4 Single-family residential units approved and constructed prior to Annexation are allowed as Nonconforming Uses.

5 All Accessory Uses shall comply with the provisions of Section 3.14.40.01.

**Table 3.14-1 - Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

Use Types	Permit Procedure	
	Minor NC	Major NC
3. Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations	P/PC	P
4. Day Care, Family, as defined in Chapter 1.6 - Definitions	P	P
5. <u>Garden</u>	<u>P</u>	<u>P</u>
6. <u>Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>	<u>P</u>
7. <u>Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>	<u>P</u>
g. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 45 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements of Section 4.7.70.b of Chapter 4.7 - Sign Regulations.	N	PC

[Section 3.14.30 amended by Ordinance 2012-00x, effective December X, 2012]

1. Drive-through Facilities;
2. Eating and Drinking Establishments - Fast Order Food Drive-through;
3. Car Washes;
4. Fuel Sales;
5. Lodging Services on the Ground Floor. However, access to adjacent or upper floors of such Uses is permitted via lobbies or common areas shared with other businesses; and
6. Lodge and Fraternal Assembly Uses on the Ground Floor. However, access to adjacent or upper floors of such Uses is permitted via lobbies or common areas shared with other businesses.

#### **Section 3.14.60 - COMPLIANCE WITH THIS CODE**

All development shall comply with applicable design standards and other provisions of this Code including all chapters in Article IV, unless more restrictive provisions are established in this Chapter. ~~The Block Perimeter Standards established in Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.~~

[Section 3.14.60 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 3.14.70 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

#### **Section 3.14.80 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.14.70, variations from



- c) Business Support Services
- d) Communication Services
- e) Convenience Sales and Personal Services
- f) Day Care, Commercial Facility
- g) Eating and Drinking Establishments - except Drive-through Facilities
- h) Financial, Insurance, and Real Estate Services
- i) Food and Beverage Sales
- j) Medical Services
- k) Participant Sports and Recreation
  - 1) Indoor
  - 2) Outdoor
- l) Professional and Administrative Services
- m) Repair Services - Consumer
- n) Research Services
- o) Retail Sales - General
- p) Spectator Sports and Entertainment - Limited
- q) ~~Technical~~ Technology and Support Services Center - upper floors only
- ~~r) Telemarketing Center - upper floors only~~
- r) Temporary Outdoor Markets
- s) Lodging Services - Hotel/Motel - In the RF Zone, this includes only non-ground-floor rooms; however, access areas such as

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development, and all other applicable provisions of this Code. Items allowable under Conditional Development include occupied towers or penthouses over 75 ft. high, per Section 3.15.40.02.

### **3.15.30.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 Plan Compatibility Review, and all other applicable provisions of this Code.

- a. Minor Utilities - as projections only, subject to standards in Chapter 4.9 - Additional Provisions.
- b. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.15.30 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.15.40 - DEVELOPMENT STANDARDS**

### **3.15.40.01 - Lot Area and Setback Requirements**

- a. The RF Zone has no minimum parcel area and no minimum setbacks, except as provided in "b," below, and as required for vision clearance, such as at parking structure entrances and intersections.
- b. A building's occupied space shall extend to the street along at least 75 percent of the property line at the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities that occupy 100 percent of the additional setback area. Enhanced pedestrian spaces and amenities consist of publicly accessed features including plazas, arcades, courtyards, lawns, outdoor cafes, widened sidewalks, benches, shelters, street furniture, or kiosks. Enhanced pedestrian spaces shall open to the sidewalk, include at least one adjoining entry into a building, and meet ground-floor development standards.

### **Section 3.15.70 - SIDEWALKS**

A public sidewalk shall adjoin every private/public property line, whether there is a street or not, except within alleys, unless otherwise required by this Chapter. The sidewalk shall conform to City standards including the special standards adopted in the Riverfront Commemorative Park Plan and drawings adopted by the City Council on February 26, 1997, and as amended over time.

### **Section 3.15.80 - SIGNS**

Refer to the Central Business Zone standards in Chapter 4.7 - Sign Regulations for sign regulations in the Riverfront Zone, with the following exceptions:

- a. Pole signs and monument signs are not permitted.
- b. Internally illuminated signs are not permitted. Neon signs are permitted.

### **Section 3.15.90 - COMPLIANCE WITH THE RIVERFRONT COMMEMORATIVE PARK PLAN AND THIS CODE**

All development shall comply with applicable design standards and other provisions of the Riverfront Commemorative Park Plan and associated graphics, adopted by the City Council on February 26, 1997, and as amended over time. All development shall also comply with the applicable design standards and other provisions of the Code including, but not limited to, all chapters in Article IV, unless the provisions in this Chapter are more restrictive.

~~The Block Perimeter Standards established in Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.~~

If a design standard or other provision of the Riverfront Commemorative Park Plan conflicts with the standards of the Code, the Riverfront Commemorative Park Plan shall prevail.

[Section 3.15.90 amended by Ordinance 2012-00x, effective December X, 2012]

### **3.15.100 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

- 2) Bed & Breakfast
- q) Medical Services
- r) Participant Sports and Recreation - Indoor and Outdoor
- s) Professional and Administrative Services
- t) Repair Services - Consumer
- u) Research Services
- v) Retail Sales - General
- w) Spectator Sports and Entertainment
  - 1) Limited
  - 2) Other - Uses existing as of June 1, 2001
- x) Temporary Outdoor Markets
- y) ~~Technical~~ Technology and Support Services Center - upper floors only
- ~~z) Telemarketing Center - upper floors only~~
- z) Vocational or Professional Training
- aa) Wholesaling, Storage, and Distribution
  - 1) Mini-warehouses
  - 2) Light

5. Industrial Use Type - Limited Manufacturing

**b. Accessory Uses Permitted Outright**

- 1. Essential Services
- 2. Day Care, Family - Accessory to a Permitted Residential Use



setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

- d. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- e. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- f. Spectator Sports and Entertainment - Other - Uses not already Permitted Uses per Section 3.16.20.01.a.4.w.2.

### **3.16.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

- a. Drive-through Facilities - such as Financial Institutions, Eating Establishments, etc.
- b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- c. Projections such as chimneys, spires, domes, and towers flagpoles, not used for human occupancy exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- d. Freestanding Wireless Telecommunication Facilities up to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.16.20 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 3.16.30 - DEVELOPMENT STANDARDS**

**Table 3.19-1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<b>Use Types</b>		<b>Permit Procedure</b>		
		No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
17.	Funeral and Interment Services - Cremating and Undertaking	P		
18.	Laundry	P		
19.	Lodging Services - Hotels/Motels		P	CD
20.	Medical Services		P	CD
21.	Participant Sports and Recreation - Indoor		P	CD
22.	Professional and Administrative Services - above ground floor only		P	PC
23.	Repair Services - Consumer	P		
24.	Research Sales and Services	P		
25.	Retail Sales -15,000 sq. ft. maximum Use size		P	PC (15,000 sq. ft. max. Use size)
26.	Spectator Sports and Entertainment - Limited		P	CD
27.	Swap Meets		PC	CD
28.	<del>Technical</del> <u>Technology and Support Services Center</u>		P	CD
<del>29.</del>	<del>Telemarketing Center</del>		P	<del>CD</del>
<del>30</del> <u>29.</u>	<u>Temporary Outdoor Markets</u>		PC	CD
<u>30.</u>	<u>Vocational or Professional Training</u>		<u>P</u>	<u>CD</u>

[Section 3.19.30 amended by Ordinance 2012-00x, effective December X, 2012]

any street signage associated with the structure, a single monument sign a maximum of eight ft. high and 32 sq. ft. in area, which otherwise meets the requirements of Chapter 4.7 - Sign Regulations, is permitted.

#### **Section 3.19.50 - COMPLIANCE WITH THIS CODE**

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, all chapters in Article IV, unless the provisions in this Chapter are more restrictive. ~~The Block Perimeter Standards established in Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.~~

[Section 3.19.50 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 3.19.60 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

#### **Section 3.19.70 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.19.60, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

#### **Section 3.20.50 - COMPLIANCE WITH THIS CODE**

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, all chapters in Article IV, unless the provisions in this Chapter are more restrictive. ~~The Block Perimeter Standards established in Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.~~

[Section 3.20.50 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 3.20.60 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

#### **Section 3.20.70 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.20.60, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.



**Table 3.21-1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i><b>Use Types</b></i>	<i><b>Permit Procedure</b></i>
24. Repair Services - Consumer	P
25. Research Services	P
26. Retail Sales	P
27. <u>Spectator Sports and Entertainment</u> -	
a) Limited	P
b) Other - Indoor facilities only	CD
28. <del>Technical</del> <u>Technology and Support Services Center</u>	P
<del>29. Telemarketing Center</del>	P
<del>30</del> 29. University Related Services	P
<u>30. Vocational or Professional Training</u>	<u>P</u>
31. Wholesaling, Storage and Distribution	P
<b>c. Industrial Use Types</b>	
1. Limited Manufacturing - fewer than 20 employees per acre and not requiring a state or federal air quality discharge permit, except for parking	P
2. General Industrial - subject to limitations in Section 3.27.40 of Chapter 3.27 - Mixed Use Employment (MUE) Zone	CD
3. Intensive Industrial - limited to properties zoned Intensive Industrial at the time of change to MUT, and subject to limitations in Section 3.27.40 of Chapter 3.27 - Mixed Use Employment (MUE) Zone	CD

<p align="center"><b>Table 3.21-1</b>  <b>Permitted Use Types</b></p> <p><b>P = Use Types Permitted Outright</b>  <b>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</b>  <b>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</b>  <b>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</b>  <b>N = Not Permitted</b></p>	
<i><b>Use Types</b></i>	<i><b>Permit Procedure</b></i>
<u>8. Garden</u>	<u>P</u>
<u>9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>
<u>10. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>

*[Section 3.21.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.21.40 - DEVELOPMENT STANDARDS FOR GENERAL AND INTENSIVE INDUSTRIAL USES**

- a. All General Industrial Uses shall conform to the development standards of the General Industrial Zone.
- b. All Intensive Industrial Uses shall conform to the development standards of the Intensive Industrial Zone unless specified otherwise.

#### **Section 3.21.50 - DEVELOPMENT STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES**

The following provisions identify development standards within the MUT Zone for all development of a Civic, Commercial, Limited Manufacturing, or Residential Use Type.

##### **3.21.50.01 - Minimum Lot Area and Setback Requirements**

with nearby landscaping. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.

- b. Screening of parking areas, drives, mechanical equipment, and solid waste receptacles shall be installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
- c. Irrigation systems shall be installed to support landscaping.

#### **3.21.60.06 - Street Connectivity and Internal Circulation**

- a. For new structures and substantial improvements to existing development, an applicant may be required to provide street or driveway stubs and reciprocal access easements to promote connectivity, dispersal of traffic, and efficient circulation between Uses and properties.
- ~~b. The maximum Block Perimeter Standards shall be 1,800 ft., but in no case shall there be a distance of more than 400 ft. without a pedestrian way. Alternatives to this standard may be considered through the Planned Development process.~~
- cb. Traffic lanes shall be internal to the site and shall not be located between buildings and sidewalks, except where drop-off facilities are provided, such as for handicapped access. Such facilities shall be designed to meet Americans with Disabilities Act (ADA) requirements and provide for direct pedestrian circulation.

#### **3.21.60.07 - Pedestrian Amenities**

- a. **Number Required** - For all new structures and substantial improvements in the MUT Zone, with the exception of existing residential dwellings and General and Intensive Industrial Uses, the applicant shall provide pedestrian amenities. The number of pedestrian amenities provided shall comply with the sliding scale in Table 3.21-2 - Number of Required Pedestrian Amenities.

**Table 3.21-2 - Number of Required Pedestrian Amenities**

- c. The site design shall preserve healthy, mature trees on the site to the maximum extent practicable. Trees likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. However, this provision shall not conflict with the provisions outlined in Section 3.21.70. If there is a conflict, the provisions of Section 3.21.70 shall prevail.
- d. Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties, and shall be consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

[Section 3.21.60 amended by Ordinance 2012-00x, effective December X, 2012]

### **3.21.70 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

### **Section 3.21.80 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.21.70, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards for General and Intensive Industrial Zones, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.



**Table 3.22 - 1 - Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

Use Types	Permit Procedure
<b>b. Civic Use Types</b>	
1. Essential Services, subject to standards in Chapter 4.9 - Additional Provisions	P
2. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions	PC
3. Public Safety Services	P
<b>c. Commercial Use Types - contained within enclosed building</b>	
1. Building Maintenance Services	P
2. Construction Sales and Services	P
3. Communication Services	P
4. Financial, Insurance, and Real Estate Services - when located in building containing over 10,000 sq. ft. of gross floor area	P
5. Food/Beverage Retail Sales - when ancillary to Primary Use	P
6. Laundry - industrial laundry and cleaning services only	P
7. Parking Lot Kiosk	P
8. Professional and Administrative Services - when located in building containing over 10,000 sq. ft. of gross floor area	P
9. Repair Services - Industrial or business-related only	P
10. Research Sales and Services - when ancillary to a Primary Use	P
11. <del>Technical</del> <u>Technology and Support Services Center</u>	P
<del>12. Telemarketing Center</del>	P

## **Section 3.22.40 - LI-O DEVELOPMENT STANDARDS**

### **3.22.40.01 - Lot Area**

No minimum or maximum lot area standards are established for the LI-O Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this Zone.

### **3.22.40.02 - Setbacks**

- a. **Front Yard and Exterior Side Yard** - 25 ft. minimum and 40 ft. maximum setback. Through the procedures identified in Section 3.22.40.08.c, an exception of up to 100 percent of the maximum setback may be granted for Industrial Use Types with certain characteristics and that are located along a Gateway Street.
- b. **Interior Side Yard** - 25 ft. minimum setback.
- c. **Rear Yard** - 25 ft. minimum setback.

### **3.22.40.03 - Gateway Standards**

Standards in Section 4.2.70 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall apply to development along a Gateway Street, as designated by the Comprehensive Plan.

### **3.22.40.04 - General Landscaping Standards**

All developments shall conform to the requirements of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, the following standards shall apply to developments in the LI-O Zone:

- a. **Landscaping Between LI-O Zone and Other Zones** - Landscaping and screening shall be required between property zoned LI-O and other zones, and shall consist of a combination of ground cover, shrubbery, and trees and fences and/or walls in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, when a site abuts a residential or mixed use zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the parcel

- a. At a minimum, a pedestrian walkway shall be provided every 400 ft. along any street, connecting it to the next parallel street. See Figure 3.22-1 - Pedestrian Accessibility; and
- b. Through-lot pedestrian walkways are also required at any location where a public or private street pedestrian crossing stubs to a parcel with no other through-lot pedestrian walkway within 200 ft. Such stubbed pedestrian crossings consist of elements such as existing striped crossings or planned pedestrian crossings that are shown in adopted or approved plans. See Figure 3.22-1 - Pedestrian Accessibility.

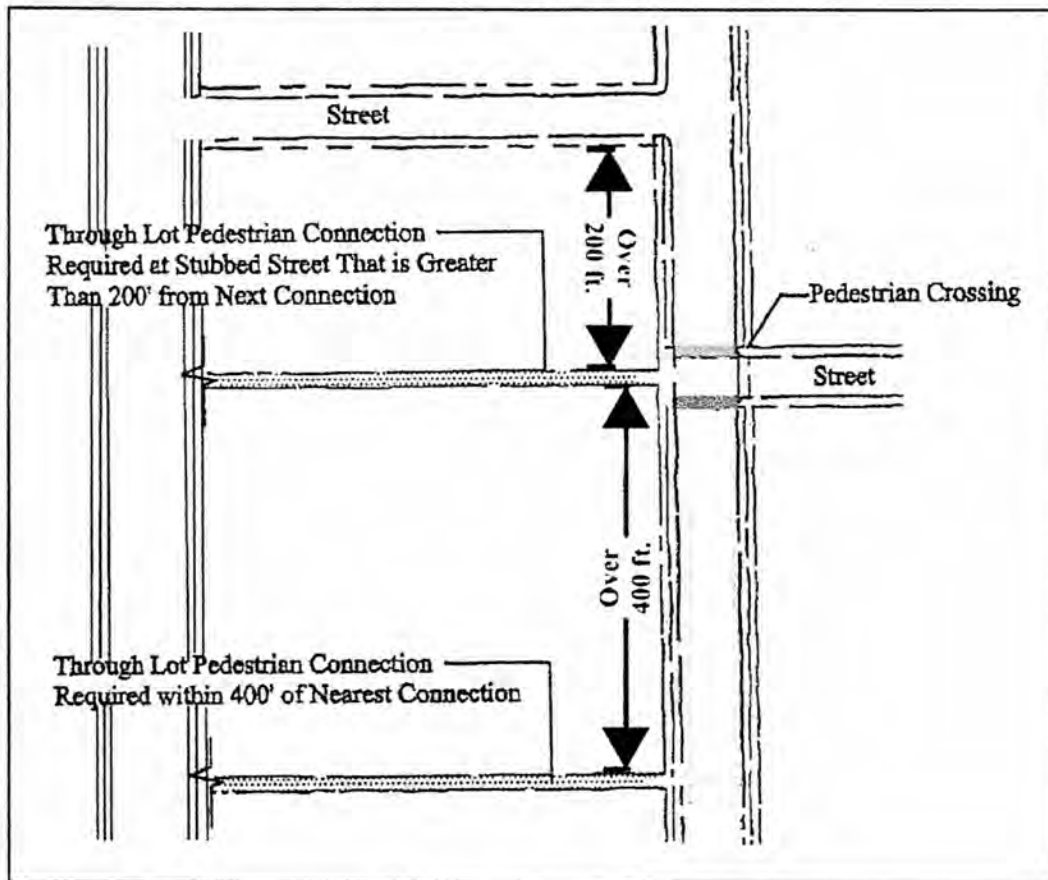


Figure 3.22-1 - Pedestrian Accessibility

#### Section 3.22.50 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of this Code including, but not limited to, all chapters in Article IV, unless provisions in this Chapter are more restrictive. ~~The Block Perimeter Standards established in Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development shall apply to~~

~~development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.~~

[Section 3.22.50 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 3.22.60 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

#### **Section 3.22.70 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.22.60, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.



## **CHAPTER 3.23 LIMITED INDUSTRIAL (LI) ZONE**

### **Section 3.23.10 - PURPOSE**

This zone implements the Limited Industrial Comprehensive Plan designation. It is intended to create and preserve areas where Limited Manufacturing and related Use Types, described in Chapter 3.0 - Use Classifications, may locate. Limited Manufacturing Uses have few, if any nuisance characteristics. Also permitted are Accessory non-industrial Uses that support the Primary Use activity and are compatible with it, specifically Administrative, Sales, and Service Uses.

### **Section 3.23.20 - PERMITTED USES**

#### **3.23.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright**

##### **1. Civic Use Types -**

Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

##### **2. Commercial Use Types -**

##### **a) Animal Sales and Services -**

##### **1) Kennels**

##### **2) Veterinary**

##### **b) Communications Service Establishments**

##### **c) Repair Services, Consumer**

##### **bd) Technical Technology and Support Services Center - 20 or fewer employees per shift**

##### **~~c) Telemarketing Center - 20 or fewer employees per shift~~**

##### **de) Temporary Outdoor Markets**

f) Vocational or Professional Training - 20 or fewer employees per shift

eg) Wholesaling, Storage, and Distribution - Light

3. Industrial Use Type -

Limited Manufacturing - 20 or fewer employees per shift and does not require a state or federal air quality discharge permit, except for parking

4. Agricultural Use Types -

a) Horticulture

1) Cultivation

2) Storage

b) Packing and Processing - Limited

c) Row and Field Crops

d) Tree Crops

b. **Accessory Uses Permitted Outright**

1. Essential Services

2. One residence per development site - developed simultaneously with or following development of Primary and Accessory Uses permitted outright.

3. Required off-street parking for Uses permitted in the Zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

4. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.

5. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not

- f. ~~Technical~~ Technology and Support Services Center - more than 20 employees per shift.
- ~~g. Telemarketing Center - more than 20 employees per shift.~~
- g. Vocational or Professional Training - more than 20 employees per shift.

### **3.23.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

- a. Any lot with more than one accessway 24 ft. or wider.
- b. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions.
- c. Projections such as chimneys, spires, domes and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions, unless adjacent to an RS-1, RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.23.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.23.30 - DEVELOPMENT STANDARDS**

### **3.23.30.01 - Lot Area**

Lots shall be adequate to fulfill applicable Code requirements and standards of this Zone.

### **3.23.30.02 - Setbacks**

#### **a. Boundary Area -**

- 1. A setback of not less than 25 ft. shall be provided along each LI Zone boundary line abutting any Residential, Agriculture-Open Space, or

as viewed from any point along the lot boundary within 18 months following establishment of a Primary Use Type.

- c. An irrigation system shall be provided.
- d. Storage and refuse areas shall be screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, so that materials stored within those areas shall not be visible from accessways and adjacent properties.
- e. Landscaping and lighting shall be provided within a parking area in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

#### **3.23.30.04 - Height of Structures**

No structure shall exceed 45 ft. in height.

#### **3.23.30.05 - Performance Standards**

Each Use, activity, or operation within this Zone shall comply with applicable local, state, and federal standards, and shall not create a nuisance because of odor, noise, vibration, dust, smoke or gas.

#### **3.23.30.06 - Off-Street Parking Facilities**

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

### **Section 3.23.40 - Pedestrian Oriented Design Standards**

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply, as follows, to development in the LI Zone:

- a. New development on any site undeveloped prior to December 31, 2006, shall conform with Section 4.10.70.03.a.1.
- b. Independent of cumulative expansion of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual and Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with Section 4.10.70.03.a.1, provided that:



1.     The expansion adds less than 500 sq. ft. or less; or
2.     The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

[Section 3.23.40 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 3.23.450 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

#### **Section 3.23.560 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.23.450, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

[Sections 3.23.50 and 3.23.60 renumbered by Ordinance 2012-00x, effective December X, 2012]

- 2) Kennels
- 3) Auctioning
- d) Automotive and Equipment
  - 1) Fleet Storage
  - 2) Repairs - Heavy Equipment
  - 3) Sales/Rentals of Farm and Heavy Equipment  
 Note: Sales/Rentals of Light Equipment requires a Conditional Development Review
- e) Building Maintenance Services
- f) Construction Sales and Services
- g) Laundry Services
- h) Research Services
- i) Scrap Operations
- j) Technical Technology and Support Services Center
- ~~k) Telemarketing Center~~
- ~~lk)~~ Temporary Outdoor Markets
- l) Vocational or Professional Training
- m) Wholesaling, Storage, and Distribution
  - 1) Light
  - 2) Mini Warehouses

### 3. Industrial Use Types -

- a) General Industrial

- b. Freestanding Wireless Telecommunication Facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- d. Colocated/attached Wireless Telecommunication Facilities that increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.24.20.03 -General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

- a. Explosive or Fuel Storage
- b. Major Services and Utilities
- c. Projections such as chimneys, spires, domes, and towers, not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles subject to requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations

[Section 3.24.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.24.30 - DEVELOPMENT STANDARDS**

### **3.24.30.01 - Lot Area**

Lots shall be adequate to fulfill applicable Code requirements and minimum standards of this Zone.

### **3.24.30.02 - Setbacks**

#### **a. Boundary Area -**

- 1. A setback of not less than 100 ft. shall be provided from any residential, Agriculture-Open Space, or Willamette River Greenway property line. Off-street parking and loading shall be permitted in this

- b. Storage and refuse areas shall be screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, so that materials stored within those areas shall not be visible from accessways and adjacent residential zones.

#### **3.24.30.04 - Height of Structure**

No structure shall exceed 75 ft. in height.

#### **3.24.30.05 - Performance Standards**

Each Use, activity, or operation within this Zone shall comply with applicable local, state, and federal standards and shall not create a nuisance because of odor, vibration, noise, dust, smoke, or gas.

#### **3.24.30.06 - Off-Street Parking Facilities**

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

#### **3.24.30.07 - Special Provisions for Automotive and Equipment - Sales/Rentals, Light Equipment**

The purpose of reviewing the Automotive and Equipment-Sales/Rentals, Light Equipment Use Type as a Conditional Use is to determine appropriateness of the Use at a specific site based on the following criteria:

- a. The proposed site is needed due to a shortage of alternative sites that can accommodate this Use.
- b. Permitting the Use will not significantly reduce the overall supply and diversity of industrial land or negatively affect the developability of the balance of adjacent industrial land. Approval shall not be granted if the property was part of a larger parcel within the last 12 months.
- c. The site is a minimum of two acres and has frontage on an Arterial Street.

#### **Section 3.24.40 - Pedestrian Oriented Design Standards**

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply, as follows, to development in the GI Zone:



- a. New development on any site undeveloped prior to December 31, 2006, shall conform with Section 4.10.70.03.a.1.
- b. Independent of cumulative expansion of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual and Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with Section 4.10.70.03.a.1, provided that:
  - 1. The expansion adds less than 500 sq. ft. or less; or
  - 2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

*[Section 3.24.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.24.450 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

#### **Section 3.24.560 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.24.450, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

*[Sections 3.24.50 and 3.24.60 renumbered by Ordinance 2012-00x, effective December X, 2012]*

- a. Landscaping, lighting, buffering, and screening required in Section 3.25.30.02 above, shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and shall consist of a combination of street trees, ground cover, shrubbery, trees, fences, and walls to serve as screening (buffer area) between the site and abutting non-industrial zones. In addition, when a site abuts a residential zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the Primary Use Type.
- b. Storage and refuse areas shall be screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, so that materials stored within those areas shall not be visible from accessways and adjacent residential zones.

#### **3.25.30.04 - Height of Structure**

No structure shall exceed 75 ft. in height.

#### **3.25.30.05 - Off-Street Parking Facilities**

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

### **Section 3.25.40 - Pedestrian Oriented Design Standards**

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply, as follows, to development in the II Zone:

- a. New development on any site undeveloped prior to December 31, 2006, shall conform with Section 4.10.70.03.a.1.
- b. Independent of cumulative expansion of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual and Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with Section 4.10.70.03.a.1, provided that:
  - 1. The expansion adds less than 500 sq. ft. or less; or

2.     The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

*[Section 3.25.40 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.25.~~450~~ - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

**Section 3.25.~~560~~ - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.25.~~450~~, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

*[Sections 3.25.50 and 3.25.60 renumbered by Ordinance 2012-00x, effective December X, 2012]*

- j) Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

4. Commercial Use Types - Commercial Use Types with an asterisk (\*) ~~included in "a," through "v," below, and also classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones~~ may be considered as Industrial Uses for the purposes of calculating minimum Floor Area Ratios (FARs) as required by Section 3.27.40.01 and as addressed in Section 3.27.30.03.d, because they are Uses that are also classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones.

- a) Agricultural Sales\*
- b) Agricultural Services\*
- ~~bc)~~ Animal Sales and Services
  - 1) Grooming
  - 2) Veterinary\*
  - 3) Indoor Kennels - with sound attenuation\*
- ~~cd)~~ Building Maintenance Services\*
- ~~de)~~ Business Equipment Sales and Services
- ~~ef)~~ Business Support Services
- ~~fg)~~ Communications Services Establishments\*
- ~~gh)~~ Construction Sales and Service\*
- ~~hi)~~ Convenience Sales and Personal Services
- ~~ij)~~ Day Care, Commercial Facility



- jk) Eating and Drinking Establishments - Sit-down - 30 seats or less
- kl) Financial, Insurance, and Real Estate Services
- lm) Food and Beverage Sales
- mn) Laundry Services\*
- no) Participant Sports and Recreation - Indoor facilities limited to less than 299 capacity
- op) Professional and Administrative Services
- pq) Repair Services - Consumer\*
- qr) Research Services\*
- rs) Retail Sales -General - limited to 10,000 sq. ft. of floor area per building
- st) ~~Technical~~ Technology and Support Services Center - 20 or fewer employees per shift\*
- ~~t) Telemarketing Center - 20 or fewer employees per shift~~
- u) Temporary Outdoor Markets\*
- v) Vocational or Professional Training\*
- vw) Wholesaling, Storage and Distribution\*(Only Light, and Mini-Warehouses can count towards Industrial FAR)

5. Industrial Use Types -

- a) Limited Manufacturing - 20 or fewer employees per shift and does not require a state or federal air quality discharge permit, except for parking
- b) General Industrial Uses in association with sales

3. Home Business - when conducted in conjunction with a Permitted Residential Use
4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
8. Garden
9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
10. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

### **3.27.30.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code. Additionally, Commercial Use Types with an asterisk (\*) may be considered as Industrial Uses for the purposes of calculating minimum Floor Area Ratios (FARs) as required by Section 3.27.40.01 and as addressed in Section 3.27.30.03.d, because they are Uses that are also classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones.

- a. Automotive and Equipment
  - 1. Cleaning
  - 2. Fleet Storage\*
  - 3. Parking Services
  - 4. Repairing, Light Equipment and Heavy Equipment\*
- b. Drive-through Facilities - Financial Institutions, Eating and Drinking Establishments, etc.
- c. Eating and Drinking Establishments - Sit-down - more than 30 seats
- d. Community Recreation
- e. Major Services and Utilities - except Transit Facilities
- f. Spectator Sports and Entertainment - Limited
- g. Limited Manufacturing - more than 20 employees per shift and Uses that do not result in nuisance conditions detectable from the boundaries of the subject property. Nuisance conditions and exceptions shall be as outlined in Section 3.27.30.01.a.5.c.
- h. ~~Technical~~ Technology and Support Services Center - more than 20 employees per shift\*
- ~~i. Telemarketing Center - more than 20 employees per shift~~
- ji. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
- kj. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- lk. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including

mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- ml.** Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.27.30.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

- a.** Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- b.** Transit Facilities
- c.** Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 55 ft. in height - unless the height limit for the subject property is 75 ft. per Section 3.27.40.03, in which case the threshold is 75 ft., in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements of Section 4.7.70.b.
- d.** Non-industrial Uses that exceed the square footage of Industrial Uses. Note: Commercial Use Types listed in Section 3.27.30.01.a.4 and classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones may be considered as Industrial Uses for the purposes of calculating these square footages.
- e.** Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

[Section 3.27.30 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.27.40 - DEVELOPMENT STANDARDS**

The following provisions identify development standards within the MUE Zone.

### **3.27.40.01 - Preservation of Industrial Land Supply**



Landscaping and screening shall be required in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. The following additional standards apply to the MUE Zone:

- a. Street trees shall be required, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Species should be compatible with the design features identified in Section 3.27.50.07, and shall provide continuity with nearby landscaping. A reduction in the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.
- b. Screening of parking areas, driveways, mechanical equipment, and solid waste receptacles shall be provided and installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
- c. Irrigation systems shall be installed to support landscaping.

#### **3.27.50.06 - Street Connectivity and Internal Circulation**

- a. For new structures and substantial improvements to existing development, an applicant may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between Uses and properties, and to promote connectivity and dispersal of traffic.
- ~~b. The maximum Block Perimeter Standards shall be 1,800 ft., but in no case shall there be a distance of more than 400 ft. without a pedestrian walkway. Alternatives to this standard may be considered through the Planned Development process in Chapter 2.5 - Planned Development.~~
- cb.** Traffic lanes shall be internal to the site and not located between the building(s) and the sidewalk(s), except where drop-off facilities are provided, such as for handicapped access. Such facilities shall be designed to meet Americans with Disabilities Act (ADA) requirements and provide for direct pedestrian circulation.

#### **3.27.50.07 - Pedestrian Amenities**

- a. **Required Number of Pedestrian Amenities** - All new structures and substantial improvements in the MUE Zone, with the exception of existing

[Section 3.27.50 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.27.60 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES**

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

**Section 3.27.70 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.27.60, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards for General and Intensive Industrial Zones, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

1. Animal Sales and Services
  - a) Horse Stables
  - b) Kennels
  - c) Stockyards
  - d) Veterinary
2. Lodging Services - Campground, Willamette Park only
3. Participant Sports and Recreation - Outdoor
- b. Agriculture Use Types - Packing and Processing - General**
- c. Civic Use Types -**
  - ~~1. Community Recreation - public parks only~~
  21. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
  32. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions
  43. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
  54. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

### **3.37.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review, and other applicable provisions of this Code.

- a. Accessory Dwelling Units subject to Chapter 4.3 - Accessory Development Regulations
- b. Community Recreation - public parks only
- bc. Major Utilities and Services
- cd. Minor Utilities subject to Chapter 4.9 - Additional Provisions
- de. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions, except adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone where the threshold is 20 ft. above the height of the structure or 75 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- ef. Freestanding Wireless Telecommunication Facilities 61 to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions, unless prohibited by restrictions on public lands.

*[Section 3.37.20 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.37.30 - PERFORMANCE STANDARDS**

Each Use, activity, or operation within this Zone shall comply with applicable local nuisance and animal control ordinances and state and federal standards.

### **Section 3.37.40 - SETBACKS**

The following minimum setbacks shall apply to all structures other than fences or walls in the AG-OS Zone.

- a. **Boundary Area** - A setback of not less than 25 ft. shall be provided along each AG-OS Zone boundary line abutting any residential zone.
- b. **Along Streets** - The following minimum setbacks shall apply:
  - 1. Arterial Streets - 100 ft.



2. Sidewalks on Arterial, Collector, and Neighborhood Collector Streets - Sidewalks along Arterial, Collector, and Neighborhood Collector Streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of five ft. wide. An exception to these provisions is that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
3. Sidewalk Installation Timing - The timing of the installation of sidewalks shall be as follows:
  - a) Sidewalks and planted areas along Arterial, Collector, and Neighborhood Collector Streets shall be installed with street improvements.
  - b) Except as noted in "c," below, construction of sidewalks along Local, Local Connector, and Cul-de-sac Streets may be deferred until development of the site and reviewed as a component of the Building Permit. However, in no case shall construction of the sidewalks be completed later than three years from the recording of the Final Plat. The obligation to complete sidewalk construction within three years will be outlined in a deed restriction on affected parcels and recorded concurrently with the Final Plat.
  - c) On Local, Local Connector, and Cul-de-sac streets, where there is an existing sidewalk with insufficient planter strip width, the existing sidewalk location may be retained provided all of the following are met:
    1. The proposed development on the site is residential, and does not exceed two dwelling units;
    2. There is an existing sidewalk with insufficient planter strip width on the street frontage of the block face;
    3. Where there is an existing sidewalk and the width is less than the city standard, it shall be replaced to meet the city standard width in Table 4.0-1;
    4. The developer signs an irrevocable petition, consistent with the provisions in LDC Section 4.1.40.b.2;

5. The existing or proposed sidewalks shall comply with ADA requirements; and,

6. Street trees shall be provided consistent with LDC Section 4.2.30.a.1.a

~~cd)~~ Where sidewalks on ~~Local, Local Connector, and Cul-de-sac~~ Streets abut common areas, drainageways, or other publicly owned areas, or where off-site ~~Local, Local Connector, and Cul-de-sac~~ Street extensions are required and sufficient right-of-way exists, the sidewalks and planted areas shall be installed with street improvements.

**b. Safe and Convenient Pedestrian Facilities** - Safe and convenient pedestrian facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this Section, safe and convenient means pedestrian facilities that are free from hazards and that provide a direct route of travel between destinations.

2. The following types of pedestrian walkways shall have a minimum 5-ft. paved width, and five ft. of landscaping provided on both sides of the facility, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Pedestrian walkways that are either more than 220 ft. long or serve more than 10 dwelling units shall have a wider paved width as specified in Section 4.0.40.c.

a. Pedestrian walkways connecting Cul de sacs;

b. Pedestrian walkway required to comply with the block perimeter requirements in Section 4.0.60.o.; and

c. Other pedestrian walkways connecting two public rights-of-way, including multi-use paths and trails.

~~2. Pedestrian rights-of-way connecting Cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide. When these connections are less than 220 ft. long, measuring both the on-site and the off-site portions of the path, or when they directly serve 10 or fewer on-site dwellings, the paved improvement shall be no less than five ft. wide. Connections that are either longer than 220 ft. or serve more than 10 on-site dwellings shall have wider paving widths as specified in Section 4.0.40.c. Maintenance of the paved improvement shall be the responsibility of adjacent property owners. Additionally, a minimum of five ft. of landscaping~~



~~shall be provided on either side of these pedestrian facilities, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Maintenance of the landscaping shall also be the responsibility of adjacent property owners.~~

3. ~~Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian ways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:~~

a) ~~To maximize direct pedestrian travel, the on-site pedestrian circulation system shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site.~~

b) ~~Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities that abut the site but are not adjacent to the streets abutting the site. When sidewalks or multi-use paths are provided, such as occurs through Cul-de-sacs or to provide pedestrian connections through areas where vehicles cannot travel, these facilities shall be bordered on both sides by a minimum of five ft. of landscaping. Additionally, solid fencing shall be limited to a maximum height of four ft. along these areas to increase visibility and public safety. Portions of fences above four ft. in height are allowed, provided they are designed and constructed of materials that are open a minimum of 50 percent.~~

c) ~~Walkways shall be as direct as possible and avoid unnecessary meandering.~~

d) ~~Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.~~

e) ~~With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on-site unless an unusual parking lot hazard exists.~~

c. Where a development site is traversed by or adjacent to a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, improvement of the trail linkage shall occur concurrently with development. Dedication of the trail to the City shall be provided in accordance with Section 4.0.100.d.

- d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).
- e. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrently with development.
- f. Prior to development, applicants shall perform a site inspection and identify any Contractor Sidewalk/street Stamps, sidewalk prisms, horse rings, and iron curbs that will be impacted by the development. If such a feature exists, it shall either be left in its current state as part of the existing sidewalk or street, or incorporated into the new sidewalk or street for the development site, as close as possible to its original location and orientation. Iron curbs shall be retained unless required to be removed or modified to comply with mandatory ADA standards. In such instances, the iron curb shall only be removed or modified to the minimum extent necessary to comply with the ADA standards.
- g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 4.0.30 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 4.0.40 - BICYCLE REQUIREMENTS**

- a. **On-street Bike Lanes** - On-street bike lanes shall be required on all Arterial, Collector, and Neighborhood Collector Streets and constructed at the time of street improvements.
- b. **Safe and Convenient Bicycle Facilities** - Safe and convenient bicycle facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:
  - 1. For the purposes of this Section, safe and convenient means bicycle facilities that are free from hazards and provide a direct route of travel between destinations.
  - 2. Bicycle/pedestrian rights-of-way connecting Cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide. Maintenance of the paved improvement shall be the responsibility of adjacent property owners. Additionally, a minimum of five ft. of landscaping shall be



3. Street Connectivity - Designated Shopping Streets, whether City streets or private streets, shall provide direct connections to adjacent public and private streets and neighborhoods where practicable.
4. The following development and design standards shall apply to streets designated as Shopping Streets:
  - a) Auto Amenities - Auto lane widths shall comply with Table 4.0-1 - Street Functional Classification System and Table 4.0-2 - Shopping Street Standards. Shopping Streets should not include more than two travel lanes, excluding turn lanes as required or consistent with Section 4.0.60. However, applicants or the City may propose Shopping Street designations for streets with more than two travel lanes as part of Master Site Plans for Neighborhood Centers.
  - b) Length of Shopping Streets - A Shopping Street should be no more than two blocks in length in accordance with the Block Perimeter requirements in Section 4.0.60 and Chapter 4.10 - Pedestrian Oriented Design Standards.
  - c) Bike Amenities - Shared surface with auto traffic lanes is acceptable on Local and Local Connector Streets. Bike lanes shall be required on new Neighborhood Collector, Collector, and Arterial Streets except on Neighborhood Collectors where angled parking has been allowed.
  - d) Transit - Transit amenities consistent with the Corvallis Transit Master Plan are encouraged along Shopping Streets.
  - e) Managed Speed - Speeds along Shopping Streets shall be in conformance with Table 4.0-1 - Street Functional Classification System, and generally should be no greater than 25 mph. In situations where limitations of site development warrant, streets with higher established speed limits may be designated as Shopping Streets.
  - f) On-street Parking - On-street parking is required along newly constructed Shopping Streets and shall be maintained where already existing. Parallel parking is required where on-street bike lanes are provided or required. Angled parking is typical, and parallel parking is allowed on Local and Local Connector Streets and allowed on Neighborhood Collector Streets designated as Shopping Streets where bicycle safety is ensured through lower traffic volumes or speeds. On-street ~~handicapped~~ ADA parking spaces may be designed as 90 degree spaces for better accessibility.

An exception to the requirement for on-street parking along newly constructed Shopping Streets is allowed in specific areas where a pedestrian park or plaza extends into the area that would otherwise be required to be on-street parking, provided the pedestrian park or

plaza meets or exceeds all the thresholds in Sections 4.10.70.05.a.3(a-e) and Section 4.10.70.05.a.4. In this situation, the on-street parking would continue to be located on parts of the Shopping Street where the described pedestrian park or plaza was not present.

- g) Curb-to-curb Width - Curb-to-curb widths shall be consistent with Table 4.0-1 - Street Functional Classification System, and shall be determined on a case-by-case basis with an emphasis on the minimum width necessary to accommodate transportation needs and on the creation of a quality pedestrian environment.
- h) Traffic Calming - Bulbed intersections on Shopping Streets are required. Other traffic calming measures, including speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials are encouraged when shown to be appropriate in a traffic evaluation. Any traffic calming shall be approved by the City Engineer and City Fire Chief.
- i) Access Control - Access control shall be required, consistent with Table 4.0-1 - Street Functional Classification System.
- j) Planting Strips/Street Trees - Planting strips are discouraged along Shopping Streets. Street tree wells shall be provided and placed at a minimum of every 20 ft. in conformance with requirements in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Street trees at maturity shall be pruned to awning height, with tree canopies extending above awnings.

**Table 4.0-2 - Shopping Street Standards**

New Development		Collector	Neighborhood Collector	Local and Local Connector
	<b>On-street Parking</b>	Required	Required	Required
	<b>Angled or Parallel Parking</b>	Not Allowed	Permissible	Required per Section 4.0.60.m.4(f)
	<b>Bike Lanes</b>	Required	Required, if no parking	Shared street
	<b>Curb Extensions</b>	Required	Required	Required
	<b>Mid-block Crossings</b>	Required	Required	Required
	<b>Other Traffic Calming</b>	Permissible, but not required	Required	Required

Table 4.0-2 - Shopping Street Standards				
	<b>Managed Speed</b>	25	20-25	15-20
	<b>Pedestrian Facilities</b>	Wide Sidewalks	Wide Sidewalks	Wide Sidewalks
Redevelopment	<b>On-street Parking</b>	Allowed	Required	Required
	<b>Angled or Parallel Parking</b>	Not allowed	Permissible, if no existing bike lane	Required per Section 4.0.60.m.4(f)
	<b>Bike Lanes</b>	Required	Required, except where parking is allowed	Shared street
	<b>Curb Extensions</b>	Required	Required	Required
	<b>Mid-block Crossings</b>	Required	Required	Required
	<b>Other Traffic Calming</b>	Permissible, but not required	Required	Required
	<b>Managed Speed</b>	25	20-25	15-20
	<b>Pedestrian Facilities</b>	Wide Sidewalks	Wide Sidewalks	Wide Sidewalks


- k) Sidewalk Width - Sidewalks along Shopping Streets shall be a minimum width of 12 ft.
- l) Pedestrian Oriented Intersections - Street intersections along Shopping Streets shall contain:
  - 1) Crosswalks that are clearly marked with contrasting paving materials. Raised crosswalks or raised intersections may be required as traffic calming measures, subject to standards specified by the City Engineer;
  - 2) Bulbed intersections; and
  - 3) Other pedestrian amenities approved by the City Engineer.
- m) Facades - Ground-floor facades that face Shopping Streets shall comply with Chapter 4.10 - Pedestrian Oriented Design Standards.
- 5. An exception to the requirements of this Section may be granted if, through a Planned Development process consistent with Chapter 2.5 - Planned Development, or a legislative process consistent with or 2.0 - Public



Hearings, a site is determined to appropriately provide mixed use opportunities and services to the affected Comprehensive Neighborhood.

**n. Downtown / Monroe Avenue Street Design Standards**

1. **Applicability** - The following minimum design standards shall apply to streets that abut property zoned Central Business (CB) and Riverfront (RF), and NW Monroe Street between NW 14<sup>th</sup> and NW 26<sup>th</sup> Street.
2. These streets shall be consistent with the provisions in LDC Sections 4.0.60.k.1-7, and 9. Right-of-way and minimum improvement widths shall be as specified in Table 4.0-3 - Downtown / Monroe Avenue Street Standards.

<b>Table 4.0-3- Downtown / Monroe Avenue Street Standards<sup>1, 5, 8</sup></b>				
	<b>Arterial Highway</b>	<b>Arterial</b>	<b>Collector</b>	<b>Local</b>
Auto amenities (lane widths) <sup>2</sup>	3 Lanes (12 ft.)	2-3 Lanes	2 Lanes (11 ft.)	2 Lanes (10 ft.)
Bike amenities <sup>3</sup>	Bike Lanes (6 ft.) <sup>6</sup>	Bike Lanes (6 ft.) <sup>6, 9</sup>	Bike Lanes (6 ft.) <sup>6, 9</sup>	N/A
Pedestrian amenities <sup>4</sup>	2 Sidewalks with tree wells (11 ft.)	2 Sidewalks with tree wells (11 ft.)	2 Sidewalks with tree wells (11 ft.) <sup>7</sup>	2 Sidewalks with tree wells (11 ft.)
Auto Parking	Parking aisles (8 ft.)	Parking aisles (8 ft.)	Parking aisles (8 ft.) <sup>7</sup>	Parking aisles (parallel 8 ft., angled 19 ft.)
1.	These standards do not preclude the flexibility currently allowed through the Planned Development process in Chapter 2.5 - Planned Development.			
2.	Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. On Arterial and Collector roadways, an absolute minimum for safety concerns is 10 ft. Such minimums are expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width.			
3.	An absolute minimum width for safety concerns is five ft., which is expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width. Parallel multi-use paths in lieu of bike lanes are not appropriate along the Arterial-Collector system due to the multiple conflicts created for bicycles at driveway and sidewalk intersections. In rare instances, separated (but not adjacent) facilities may provide a proper function.			
4.	Tree wells shall be constructed consistent with detail  .			
5.	Where existing streets are proposed to have a reduced curb to curb width, prior approval shall be required by the City Engineer.			
6.	One way streets shall only be required to provide 1 bike lane.			
7.	On Monroe Avenue, between 14 <sup>th</sup> Street and 26 <sup>th</sup> Street, sidewalks shall be 10 ft. wide with tree wells, and only 1 (8 ft.) parallel parking aisle is required.			
8.	Where adequate right-of-way exists, the required improvements in this table may be modified to the satisfaction of the City Engineer.			
9.	On streets where sharrows have been approved, bike lanes may not be required.			

**no. Block Perimeter Standards** - The following Block Perimeter requirements standards apply to all development projects, as described below. Exceptions to these requirements The block perimeter standards may do not apply be approved



~~for to development projects that are is smaller than one two acres or less in size, and situated in areas where the street patterns are established, and do not require connections to the development. However, the other street connectivity requirements in LDC Section 4.0.60 do apply.~~

1. Residential Standards -

- a) Complete Blocks - Developments shall create a series of complete blocks bound by a connecting network of public or private streets with sidewalks. ~~When necessary to minimize impacts to a designated wetland, to slopes greater than 15 percent, to parks dedicated to the public, and/or to Significant Natural Features, blocks may be bound by walkways without streets.~~
- b) Maximum Block Perimeter - The maximum ~~B~~block ~~P~~perimeter shall be 1,200 ft. Block faces greater than 300 ft. shall have a through-block pedestrian connection.
- c) Multi-dwelling Development of 20 or More Units on a Single Parcel of Land (underline) - Multi-dwelling development projects on a single parcel of land, and which have at least 20 dwelling units, shall create a series of complete blocks bound by either streets with sidewalks or by walkways. For blocks bound only by walkways, the walkways shall be contained within a public access easement and maintained by the adjacent property owner.
- cd) Variations Allowed Outright - ~~Variations of up to 30 percent to these block distances may be allowed outright~~ The distances specified in "b," above, may be varied by up to 50 percent to minimize impacts to a designated wetland, to slopes greater than 15 percent, to public parks dedicated to the public, to Significant Natural Features, to existing street patterns, and/or to existing development patterns, and/or access management considerations, as determined by the City Engineer.

2. Commercial, Industrial and Civic Standards - The following standards shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites. Commercial, Industrial, and Civic zoning districts not identified in subsection "b," below, are exempt from the block perimeter standards.

- a) Complete Blocks - Commercial developments shall create a series of complete blocks bound by a connecting network of public or private streets with sidewalks. ~~When necessary to minimize impacts to a designated wetland, to slopes greater than 15 percent, to parks dedicated to the public, and/or to Significant Natural Features, blocks may be bound by walkways without streets.~~



- b) Maximum Block Perimeter - The maximum Block Perimeter shall be as follows:

Neighborhood Center and Professional and Administrative Office Zones	1,200 ft.	Block faces greater than 250 ft. shall have a pedestrian through-connection
Other Commercial Zones and Limited Industrial-Office Zone	1,500 ft.	Block faces greater than 400 ft. shall have a pedestrian through-connection
Mixed Use Employment and Mixed Use Transitional Zones	1,800 ft.	Block faces greater than 400 ft. shall have a pedestrian through-connection

- c) Variations Allowed Outright - ~~Variations of up to 30 percent to these block distances may be allowed outright~~ The distances specified in "b." above, may be varied by up to 50 percent to minimize impacts to a designated wetland, to: slopes greater than 15 percent, to public parks dedicated to the public, to Significant Natural Features, to existing street patterns, and/or to existing development patterns, and/or access management considerations, as determined by the City Engineer.

3. Variations Exceeding 50 Percent Subject to a Minor Lot Development Option (underline) - Variations exceeding 50 percent of the block distances specified in "1.b" and "2.b." above, may be allowed through a Minor Lot Development Option to minimize impacts to: slopes greater than 15 percent, public parks, Significant Natural Features, existing street and/or development patterns, and/or where access management would require less frequent spacing as determined by the City Engineer.

**op. Direct access to Highway 20/34 shall be restricted to maintain the Highway's carrying capacity and enhance its safety levels. This shall be achieved through the following requirements:**

1. New or expanded development shall comply with the City's Transportation and Access Strategy until adoption of the final version of the Oregon Department of Transportation's Highway 20/34 Corridor Plan;
2. New or expanded development on sites within 0.25-mile of Highway 20/34 shall have direct access to a Local, Collector, and/or Neighborhood Collector Street, wherever practicable;
3. Collector and/or Neighborhood Collector Streets, rather than Local Streets or direct access from individual properties, should be used to access Highway 20/34. Access from Local Streets onto Highway 20/34 may be

allowed where no connection to a Collector or Neighborhood Collector Street is available;

4. New or existing Local Street access to Highway 20/34 shall be restricted or eliminated where possible;
5. Full-street access points should be consolidated and spaced at no closer than 0.25-mile intervals along Highway 20/34;
6. Roadway connections between West Hills Road and Country Club Drive shall be provided consistent with the West Corvallis Access Strategy, which is outlined in the Corvallis Transportation Plan; and
7. New or expanded development shall comply with state highway access regulations and other accepted traffic engineering standards.

**pg. Multiple accesses to properties along Highway 20/34 and to related major streets shall be consolidated when:**

1. Land uses develop, expand, intensify, and/or change;
2. Properties are consolidated and/or divided; and
3. Lot lines are adjusted.

**qr. Development shall include underground electric services, light standards, wiring and lamps for streetlights according to the specifications and standards of the City Engineer. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with such development in accordance with the following:**

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles.
2. The streetlight plan shall be designed to provide illumination meeting standards set by the City Engineer.
3. The standard street light installation is a wood pole.

The developer shall install such facilities and make the necessary arrangements with the serving electric utility for the City-owned and operated street lighting system to be served at the lowest applicable rate available to the City. Upon City's acceptance of such development improvements, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the City.

[Section 4.0.60 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 4.0.70 - PUBLIC UTILITY REQUIREMENTS (OR INSTALLATIONS)**

## **CHAPTER 4.1 PARKING, LOADING, AND ACCESS REQUIREMENTS**

### **Section 4.1.10 - PURPOSES**

The regulations in this Chapter are established to provide appropriate location and design of parking and loading areas and appropriate location, design, and capacity of accesses. The parking requirements are intended to provide sufficient parking in close proximity to the various Uses for residents, customers, and/or employees; and to maintain traffic carrying capacity of nearby streets. These regulations apply to both motorized vehicles, hereafter called vehicles, and bicycles.

### **Section 4.1.20 - GENERAL PROVISIONS**

- a. **Provision and Maintenance** - The provision of required off-street parking for vehicles and bicycles, and loading facilities for vehicles, is a continuing obligation of the property owner. Building or other Permits will only be issued after receipt of site plans drawn to a suitable scale and showing the location of permanent parking and loading facilities. New vehicle and bicycle parking spaces shall be provided in accordance with the provisions of this Code.
- b. **Unspecified Requirements** - Vehicle and bicycle parking requirements for Uses not specified in this Chapter shall be determined by the Director based upon the requirements of similar Uses.
- c. **New Structures** - When a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 4.1.30 below.
- d. **Alteration of Existing Nonresidential Structures** - When an existing structure is altered to the extent that the existing Nonresidential Use is intensified, vehicle and bicycle parking shall be provided in the amount required for such intensification.

When increased intensity requires no more than two additional vehicle and/or bicycle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative, and when the net effect of one or more changes generates a need for more than two spaces, they shall be provided in accordance with the provisions of this Chapter. Additional spaces shall be required for the intensification but not for the original Use. New vehicle and bicycle parking spaces shall be provided in accordance with the provisions of this Code.

- e. **Change in Nonresidential Uses** - No additional parking shall be required when an existing structure is changed from one Nonresidential Use Type to another, as listed in Section 4.1.30, and the vehicle and bicycle parking requirements for each Use Type are the same. When the change in Use requires no more than two additional vehicle and/or bicycle spaces, no additional parking facilities shall be required. However, where a change in Use results in a requirement for more than two



Development Permit, Chapter 4.2- Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 4.1.20 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS**

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

#### **a. Residential Uses Per Building Type -**

##### 1. ~~Single Detached and Single Attached - Zero Lot Line, and Manufactured Homes -~~

- a) Vehicles - Two spaces per dwelling unit.
- b) Bicycles - None required.

##### 2. ~~Single Attached - Zero Lot Line~~

##### a) ~~Vehicles -~~

- |  |                                      |  |
|--|--------------------------------------|--|
| <u>1) <del>One, Two, or</del></u>      | <u><del>Three-bedroom Unit</del></u> | <u><del>Two spaces per unit.</del></u> |
| <u>2) <del>Four-bedroom Unit</del></u> | <u><del>Three-bedroom Unit</del></u> | <u><del>3.5 spaces per unit.</del></u> |
| <u>3) <del>Five-bedroom Unit</del></u> | <u><del>Four-bedroom Unit</del></u>  | <u><del>4.5 spaces per unit.</del></u> |

##### b) ~~Bicycles -~~

- |  |  |
|--|--|
| <u>1) <del>Studio or Efficiency Unit</del></u> | <u><del>One space per unit.</del></u>    |
| <u>2) <del>One-bedroom Unit</del></u>          | <u><del>One space per unit.</del></u>    |
| <u>3) <del>Two-bedroom Unit</del></u>          | <u><del>1.5 spaces per unit.</del></u>   |
| <u>4) <del>Three-bedroom Unit</del></u>        | <u><del>Two spaces per unit.</del></u>   |
| <u>5) <del>Four-bedroom Unit</del></u>         | <u><del>Three spaces per unit.</del></u> |
| <u>6) <del>Five-bedroom Unit</del></u>         | <u><del>Four spaces per unit.</del></u>  |

##### 23. ~~Single Detached with more than one dwelling unit on a single lot, Duplex, Attached, and Multi-dwelling -~~

- a) Vehicles -
  - 1) Studio or Efficiency Unit - One space per unit.

- b) Bicycles - 20 percent of required vehicle parking.
- 28. Swap Meets - One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. where there are no fixed seats.
- 29. Technical Technology and Support Services, except Data Center - One space per 150 sq. ft. of gross floor area.
  - a) Data Center - One space per 5,000 sq. ft. of gross floor area or one space per employee on the largest shift, whichever is greater.
- ~~30. Telemarketing Center - One space per 150 sq. ft. of gross floor area.~~
- 30. Vocational or Professional Training -
  - a) Vehicles - One space per every three students.
  - b) Bicycles - One space per every three students, plus 25% of the number of required vehicle parking spaces.
- 31. Wholesaling, Storage, and Distribution - One space per 5,000 sq. ft. of gross floor area.

**d. Industrial Use Types -**

*Unless noted otherwise, number of spaces refers to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or two bicycle spaces, whichever is greater. However, where fewer than three vehicle spaces are required, then only one bicycle parking space shall be required.*

- 1. Limited Manufacturing - One space per 400 sq. ft. of gross floor area or one space per employee on the largest shift, whichever is greater.
- 2. Technological Production, General Industrial, Intensive Industrial - One space per 1,000 sq. ft. of gross floor area or one space per employee on the largest shift, whichever is greater.

**e. Agricultural Use Types - Exempt.**

**f. Extractive Use Types - Exempt.**

**g. Central Business (CB) and Riverfront (RF) Zones Parking Requirements -**

- 1. Parking Minimums - The minimum automobile parking requirements for the Central Business (CB) and Riverfront (RF) Zones are described below:

- a) Allowed Nonresidential Uses - One space per 1,000 square feet of gross floor area.
- b) Residential Uses - ~~One space per residential unit.~~
  - 1. One space per residential unit.
  - 2. Fraternities, Sororities, Cooperatives, and Boarding Houses - One space per five occupants at capacity, with capacity to be based on criteria set forth in the Oregon Structural Specialty Code.
  - 3. Retirement Homes, Intermediate Care Facilities, and Halfway Houses - One space per six persons for which sleeping facilities are provided, based on the maximum number of people to be accommodated.
  - 4. Group Care - One space per 3,000 sq. ft. of gross floor area.
- c) Parking Incentive for Structured Parking - Where structured parking is provided to satisfy required parking, each structured parking space may count as two required on-site parking spaces for nonresidential development. For the purposes of this provision, structured parking includes below-grade or at-grade parking (with habitable building area, improved vehicle circulation area, or improved right-of-way area above) and multi-level parking.
- d) Parking Incentive for Curb Cut Removal - For each on-street parking space gained as a result of the removal of an unused driveway or other curb cut, two parking spaces may be credited toward the required nonresidential parking for the subject property.
- 2. Fee-in-Lieu Program - Upon City Council creation of a Fee-in-lieu program for parking in the Central Business (CB) and Riverfront (RF) Zones, the required minimum parking for a development may be provided by paying the fee adopted by the City Council.
- 3. Parking Maximums -
  - a) Except as described in "b," below, the maximum parking allowance in the Central Business (CB) and Riverfront (RF) Zones shall be based upon the parking requirements described in Section 4.1.30, Subsections "a" through "f," for each specific Use Type.
  - b) Parking spaces in excess of the maximum allowed for a new development under Section 4.1.30.g.3.a shall be allowed, provided the

additional parking is structured, in a subsurface or multi-storied fashion, and meets one of the following additional requirements:

- 1) The additional spaces are made available through a long-term agreement for public use;
  - 2) The additional spaces are made available through a long-term agreement for use by another development to meet its parking requirement; or
  - 3) After a long-term agreement covered under "1," or "2," above, has run out, the additional spaces become necessary to meeting parking standards for an expansion of the building for which the parking structure was originally constructed.
4. Location of Required Parking - Required parking shall be provided on property located within the Central Business (CB) and Riverfront (RF) Zones and within 750 feet of any new development.
  5. Bicycle Parking - Bicycle parking minimums shall be provided based upon the bicycle parking requirements described in Section 4.1.30, Subsections "a," through "f," for each specific Use Type.
  6. Lot Development Option Process Not Available for Parking Reductions - With the reduction of the minimum number of required parking spaces in the Central Business (CB) and Riverfront (RF) Zones, the process in Chapter 2.12 - Lot Development Option shall not be used to further reduce the minimum requirements.

[Section 4.1.30 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS**

All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets shall be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this Section and the City's Off-street Parking and Access Standards, established by the City Engineer and as amended over time. A permit from the Development Services Division shall be required to construct parking, loading, and access facilities, except for Single Detached, Duplex, Single Attached, and Attached Building Types; and Manufactured Dwellings.

##### **a. Access to Arterial, Collector, and Neighborhood Collector Streets**

1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back-up movement onto Arterial Streets.



1. Except within the Central Business (CB) and Riverfront (RF) Zones, Vision Clearance Areas shall be provided at the intersections of all streets and at the intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of Vision Clearance Areas shall be determined from standards adopted by the City Engineer that consider functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.
  2. Traffic control devices, street lights, and utility installations approved by the City Engineer are permitted within Vision Clearance Areas.
- d. **Backing or Maneuvering of Vehicles** - For developments requiring four or more parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. An exception to this provision may be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, for a total of six spaces, provided that these spaces are within driveway areas designed to serve individual units within the Duplexes and Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes. Evaluations of other requests for exceptions shall consider constraints due to lot patterns and effects on the safety and capacity of the adjacent public street and on bicycle and pedestrian facilities. See also Section 4.10.60.01 a.3 and Section 4.10.60.02.
  - e. **Screening** - All parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall require screening in accordance with the zoning requirements and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Where not otherwise specified by zoning requirements, screening along a public right-of-way shall include a minimum five-ft.-wide plant buffer adjacent to the right-of-way.
  - f. **Lighting** - Lighting shall be consistent with the provisions outlined in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
  - g. **Setbacks** - Where vehicles will be backing out from a driveway to the public right-of-way, all off-street parking shall have a minimum 19 ft. setback from the sidewalk or future sidewalk to a garage or carport. Where no sidewalk location has been established, a 19-ft. setback from the right-of-way edge to the parking structure shall be used.

Nothing in this Section shall imply or permit a lesser setback than that required by any other section of this Code.

- h. **Sidewalks** - Sidewalks shall be required in accordance with the provisions of Section 4.0.30 of Chapter 4.0 - Improvements Required with Development.
- i. **Driveways** -

1. Driveways shall be surfaced as required by standards established by the City Engineer. No point along the driveway length shall traverse a slope in excess of 15 percent. The location and design of the driveway within the lot frontage shall provide for unobstructed sight per the Vision Clearance requirements in Section 4.1.40.c. Requests for exceptions to these requirements will be evaluated by the City Engineer, who will consider the physical limitations of the lot and the safety impacts to vehicular, bicycle, and pedestrian traffic.
  2. Single-family (Attached or Detached) and Duplex development shall be limited to a maximum 20 ft.-wide curb cut. An exception to this provision may be granted in situations where steep terrain in excess of a 15 percent grade prevents compliance. Additional exceptions to this requirement may be obtained through the procedures outlined in Chapter 2.12 - Lot Development Option and Chapter 2.5 - Planned Development.
- j. **Access between Sites via Parking Lots and/or Drives** - Where vehicular circulation between sites is appropriate to reduce off-site traffic impacts and/or to provide convenience for customers and/or delivery vehicles, vehicular connections between commercial developments shall be provided via parking lots and/or drives.

[Section 4.1.40 amended by Ordinance 2012-00x, effective December X, 2012]

#### **Section 4.1.50 - MODIFICATION TO PARKING REQUIREMENTS**

Vehicle parking requirements may be modified as follows:

##### **4.1.50.01 - Compact Car Spaces**

Up to 40 percent of the required parking spaces may be reduced in size to accommodate compact cars. Compact car spaces should be located near the entrance to any lot or parking aisle.

##### **4.1.50.02 - Group Care Facilities**

Required parking spaces may be reduced in number for Uses such as Group Care facilities where it can be demonstrated that vehicle use or ownership is significantly lower than for other dwelling or lodging facilities.

#### **Section 4.1.60 - STANDARDS FOR OFF-STREET LOADING FACILITIES**

Every Retail or Industrial Use or premises mentioned in Sections 4.1.30 "c," and "d," with a gross floor area of 10,000 sq. ft. or more shall provide at least one on-site loading space. One additional on-site loading space shall be provided for each additional 20,000 sq. ft.

Off-street loading facilities shall conform with the following standards:

- b) Along all streets with planting strips in excess of six ft. wide and where power lines are located underground, a minimum of 80 percent of the street trees shall be large canopy trees. This standard shall not apply to alleys located within the Central Business (CB) and Riverfront (RF) Zones.
  - c) Planting strips on Local Connector and Local Streets shall be planted with medium canopy trees; and
  - d) If planting strips are not provided on Arterial, Collector, and Neighborhood Collector Streets, an equivalent number of the required large and required medium canopy trees shall be provided in other locations within common open space tracts on the site, or within the front yard setback areas of the parcels and lots adjacent to the street. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;
2. Along alleys, trees shall be planted on the sides of the alleys at a minimum of one tree per lot; and the trees shall be located within 10 ft. of the alley. This standard shall not apply to alleys located within the Central Business (CB) and Riverfront (RF) Zones;
  3. ~~Along sidewalks and multi-use paths not located along streets, a~~ A minimum five ft.-wide landscaping buffer is required on either both sides of the facility sidewalks identified in LDC Section 4.0.30.b.2. ~~Examples of sidewalks and multi-use paths not located along streets include pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc.~~ Within these buffers, trees shall be planted at least every 30 ft., or as determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees;
  4. Conditions of Approval for individual development projects may require additional tree plantings to mitigate removal of other trees, or as part of landscape buffering or screening efforts;
  5. The distance between required trees shall be determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees; and
  6. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

**Table 4.2-1 - Street Trees**

Medium-canopy trees: trees that normally reach 30- 50 ft. in height within 30 years	- Maximum 30 ft. on-center spacing
---	---------------------------------------



features. Such trimming shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

*[Section 4.2.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.2.40 - BUFFER PLANTINGS**

Buffer plantings are used to reduce apparent building scale, provide a transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. At minimum, this mix shall consist of trees, shrubs, and ground cover, and may also consist of existing vegetation, such as natural areas that will be preserved.

At minimum, buffering is required in areas identified through Conditions of Approval, in areas required by other provisions within this Code, and in Through Lot Easement areas, and as required below.

##### **Parking, Loading, and Vehicle Maneuvering Areas -**

- a. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five-ft.-wide perimeter landscaping buffer shall be provided around parking areas; and a minimum 10 ft.-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or planters shall be increased in width by 2.5 ft. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. Low-lying ground cover and shrubs, balanced with vertical shrubs and trees, shall be used to buffer the view of these facilities.

Decorative walls and fences may be used in conjunction with plantings, but may not be used alone to comply with buffering requirements.

- b. **In addition to any pedestrian refuge areas, each landscaped island within and around parking lot areas shall -**
  1. Include one or more shade canopy trees;
  2. Be a minimum length of eight ft. at its smallest dimension;
  3. Include at least 80 sq. ft. of ground area per tree to allow for root aeration; and
  4. Include raised concrete curbs around the perimeter.
- c. Connecting walkways through parking lots shall have one or more canopy shade tree per 40 linear ft. Driveways to or through parking lots shall have one or more canopy shade tree per 40 linear ft. on each side. These trees shall be planted in



landscape areas within five ft. of the walkways and driveways, respectively.

*[Section 4.2.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.2.50 - SCREENING (HEDGES, FENCES, WALLS, AND BERMS)**

Screening is required where unsightly views or visual conflicts must be obscured or blocked and/or where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls shall also be used where noise pollution requires mitigation.

Where landscaping is used for required screening, it shall be at least six ft. in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.

A chainlink fence with slats shall qualify for screening only if a landscape buffer is provided in compliance with Section 4.2.40, above.

##### **4.2.50.01 - Height Limit**

The height of hedges, fences, walls, and berms shall be measured from the lowest adjoining finished grade, except where screening is required for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within Vision Clearance Areas, as determined by the City Engineer.

- a. Hedges, fences, and walls shall not exceed ~~three~~ four ft. in height within any required yard adjacent to a street or within the Through Lot ~~e~~Easement area of a lot, except as provided in 4.2.50.01.d and e. See Through Lot Easement in Chapter 1.6 - Definitions. See also Chapter 4.4 - Land Division Standards for additional Through Lot requirements. The Director may grant an exception to this provision under the following circumstances:
  1. Where required by the Planning Commission to meet screening requirements; or
  2. ~~Where an applicant wishes to allow portions of a screen to encroach up to two ft. into an exterior side yard, excluding the front yard area. This type of encroachment pertains to a screen that is designed and constructed with off-sets to prevent visual monotony. In this situation, the hedge, fence, or wall shall not exceed five ft. in height and shall maintain Vision Clearance Area standards; or~~
  3. Where an applicant wishes to allow portions of a screen to encroach up to five ft. into a Through Lot ~~e~~Easement area. This type of encroachment pertains to a screen that is designed and constructed with off-sets to prevent visual monotony. In this situation, the hedge, fence, or wall shall maintain an average setback of 20 ft. from the rear



property line, shall not exceed five ft. in height, and shall maintain Vision Clearance Area standards. ~~Gates are required in rear yard fences on Through Lots, since it~~ remains the property owner's responsibility to maintain the area outside the fence. ~~In Multi-dwelling developments or Planned Developments and Subdivisions, a 20 ft.-wide planting area shall be established between the sidewalk and the fence. The planting area shall be designed to minimize maintenance and to ensure that coniferous trees are planted at least 15 ft. from the sidewalk.~~

- b. Notwithstanding the height restrictions outlined in "a," above, the height of solid fences and walls shall be limited to a maximum of four ft. along the boundaries when constructed within five feet of sidewalks and multi-use paths that are not adjacent or parallel to streets, and up to six feet when constructed greater than five feet from these sidewalks or multi-use paths. Examples of such situations include sidewalks and multi-use paths adjacent to pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. The limitation on these solid forms of screening is intended to increase visibility and public safety. Portions of fences above four ft. in height are allowed, when they are designed and constructed of materials that are open a minimum of 50 percent. Fence and wall heights shall be measured from the grade of the sidewalk or multi-use path. Fences and walls along sidewalks and multi-use paths shall be located outside of any associated rights-of-way and/or easement areas.
- c. Hedges, fences, and walls may exceed ~~three~~ four ft. in rear and interior side yards, except when these yards abut a sidewalk or multi-use path, in which case provisions in "b," above, apply. Fences and walls over six ft. high require Building Permit approval prior to construction.
- d. Hedges, fences, and walls up to six feet in height are allowed in exterior side yards no closer than five feet from the side-yard property line if a five-foot-wide landscaped buffer is maintained on the street side of the fence. Exterior side yard fencing above four feet in height is not allowed to extend closer to the front property line than the rear of the building at its closest point to the exterior side yard.
- e. In exterior side yards of residential lots of a size less than 5,500 square feet, hedges, fences, and walls up to six feet in height are allowed to be located up to the exterior side-yard property line, unless the property line is located at the edge of a curbside sidewalk, in which case the fence shall be set back one foot from the property line. The six-foot height allowance shall extend 50 feet forward from the rear property line or to the rear of the building at its closest point to the exterior side yard, whichever distance is greater. Vision clearance standards shall be maintained (Refer to Figure 4.2-1).

accordance with landscape screening requirements in this Chapter.

#### **4.2.50.02 - Service Facilities and Outdoor Storage Areas**

Trash dumpsters, gas meters, ground-level air conditioning units and other mechanical equipment, other service facilities, and outdoor storage areas shall be appropriately screened with a fence, wall, or plantings, consistent with the landscape screening provisions in this Section. When located adjacent to a residential zone, outdoor components associated with heat pumps, ground-level air conditioning units and similar kinds of equipment that create noise shall not be placed within any required setback area. Additionally, if such equipment is located adjacent to a residential zone and between five - 10 ft. of a property line, it shall be screened with a solid fence or wall at least one ft. higher than the equipment. When such equipment is located adjacent to a residential zone and outside a required setback line, and is greater than 10 ft. from a property line, standard screening requirements in this Section shall apply.

#### **4.2.50.03 - Swimming Pools**

Swimming pools more than 18 in. deep shall be surrounded and screened with a minimum four ft.-high secured fence or wall. The fence or wall must have a self-latching gate in accordance with Chapter 9 of the City's Municipal Code.

#### **4.2.50.04 - Detention Facilities**

Detention facilities, such as ponds, shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and biofiltration. See also Section 4.0.130 of Chapter 4.0 - Improvements Required with Development.

[Section 4.2.50 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 4.2.60 - PROHIBITED STREET TREES**

- a. **Section 10.01.020 of the Municipal Code** - Section 10.01.020 of the Municipal Code prohibits the following species of trees within public rights-of-way and parking strips:
1. Bamboo;
  2. Poplar;
  3. Willow;
  4. Conifer;
  5. Cottonwood;
  6. Fruit and nut trees, other than ornamental; and

- e. An Accessory Structure shall not exceed a height of 14 ft. nor occupy more than 35 percent of a required yard; ~~and~~
- f. Patios and decks not exceeding 30 in. in height from grade and open to the sky are considered Accessory Structures, but shall require review in accordance with Chapter 2.13 - Plan Compatibility when they are within five ft. of any property line; and
- g. Accessory structures commonly integrated into fencing and garden designs, such as Arbors, Pergolas, and Trellises, are permitted within required front, side, and rear yard setbacks, and may be up to 10 feet in height, provided the structure is at least 50% open above the height at which an opaque fence in the same location would be permitted in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. However, within front yard setback areas, the cumulative width of such structures, as measured parallel to the lot's front property line, may be no more than 15 feet. Vision clearance standards shall be maintained and the building code may require special construction techniques and materials for structures near property lines.

*[Section 4.3.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.3.40 - RESIDENTIAL USE TYPES**

- a. Accessory Structures shall not ~~become additional permanent living areas~~ have bedrooms or sleeping rooms and, with the exception of decks, shall be detached from the primary residence.
- b. Subject to the restrictions and limitations specified in this Code, the following types of Accessory Structures shall be permitted in zones where Residential Use Types are permitted:
  - 1. Private garages;
  - 2. Children's playhouses;
  - 3. Radio and television antennas - personal use;
  - 4. Sheds;
  - 5. Shops;



6. Barns;
7. Kennels for dog and cat keeping;
8. Gazebos;
9. Solar and wind energy systems, including solar collectors, storage facilities, distribution components, and wind generation devices; and
10. Other necessary and customary developments as determined by the Director in accordance with Section 4.3.20 above and Chapter 2.16 - Request for Interpretation.

**c.** When the primary use on a lot is a Garden, the combined square footage of all accessory structures shall not exceed 600 sq. ft. and the cumulative maximum allowed square footage for all non-greenhouse structures is 200 sq. ft.

*[Section 4.3.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.3.50 - CIVIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, OR EXTRACTIVE USE TYPES**

Accessory development customarily associated with, and subordinate to, the Primary Civic, Commercial, Industrial, Agricultural, or Extractive Use Types shall be permitted where these Use Types are authorized.

##### **Industrial and Agriculture/Open Space Zones**

- a. **A single dwelling unit shall be permitted in Industrial zones and the Agricultural/Open Space Zone, provided that the Uses are for the following:**
  1. Caretaker or Superintendent - On a lot or building site with a Permitted Industrial Use and occupied exclusively by a caretaker or superintendent of such Industrial Use and his/her family;
  2. Farm Owner or Operator - On a lot or building site having a net area of at least five acres being farmed and occupied exclusively by the owner or operator and his/her family;
  3. Kennel Owner or Operator - On a lot or building site with a kennel, and occupied by the owner or operator; or

commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.

- b. **Access** - Each lot shall abut a street (not an alley) for a distance of at least 25 ft. unless it complies with the exceptions listed in "1," "2," or "3," below:

1. Exception 1 - On a lot or parcel zoned RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) and existing prior to December 31, 2006, the Minor Land Partition or Minor Replat process may be used to create flag lots that comply with all of the criteria in "a-d,"

- a. Each resulting lot or parcel contains an area equal to no more than 175 percent of the zone's minimum lot size for a Single-family Detached dwelling;
- b. ~~Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path (distance measured along the centerline of the path to the nearest public street right of way or private street tract)~~ The primary building entrance is located within 100 ft. of the lot's (or parcel's) accessway;
- c. A street is not required through any part of the site per other requirements of this Code, such as the Block Perimeter standards in Section 4.0.60.~~no~~; and
- d. The ~~Access Way~~ Accessway is consistent with Section 4.4.30.01, below.

2. Exception 2 - On a lot or parcel approved through a Minor Land Partition prior to December 31, 2006, that has not expired and for which an "urban conversion plan" was provided, the Minor Land Partition or Minor Replat process may be used to create flag lots that comply with the approved urban conversion plan and all of the criteria in "a and b."

- a. Front doors are within 100 feet of the lot's (or parcel's) accessway;
- b. The ~~Access Way~~ Accessway is consistent with Section

4.4.30.01, below.

3. Exception 3 - The lot meets the exemption in "a" or "b," below:
- a) Residential lots involving Single-family Detached; Single-family Attached, two units; or Duplex dwellings, provided:
    - 1) Front doors are less than 100 ft. from a street and are accessed by a sidewalk or multi-use path (distance measured along the centerline of the path to the nearest public street right of way or private street tract); and
    - 2) Vehicular access is provided via an alley.
  - b) Commercial, Industrial, and Residential lots other than those described in "a," above, provided:
    - 1) Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path (distance measured along the centerline of the sidewalk or over the "hard-surfaced" portion of the courtyard); and
    - 2) Vehicular access is provided via an alley.

c. **Through Lots** - The creation of Through Lots through a Land Division process shall be avoided except where essential to overcome specific disadvantages of topography and orientation. A planting screen easement at least 20 ft. wide shall be required between Through Lots and adjacent streets, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No vehicular rights of access shall be permitted across this planting screen easement. All Through Lots with frontage on parallel or approximately parallel streets shall provide the required front yard on each street, except as specified in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Through lots, in low density residential zones, created through a Land Division process shall comply with the following standards:

- 1. A 20-ft. wide easement area shall be provided along the full length of one abutting street to the Through Lot, and shown on the plat;
- 2. No vehicular access shall be permitted within the Through Lot Easement area; and

3.      Landscaping in the Through Lot Easement area shall comply with the provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

- d.    **Lot Side Lines** - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.
- e.    **Lot Grading** - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.
- f.    **Building Lines** - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.
- g.    **Large Lots** - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.
- h.    **Minimum Assured Development Area** - For property with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, lots created through a Subdivision, Partition, or Property Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA).

[Section 4.4.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.4.30 -      SPECIAL PROVISIONS FOR LOTS CREATED THROUGH LAND PARTITIONS OR MINOR REPLATS VIA SECTION 4.4.20.03.b "1" or "2."**

In addition to complying with the provisions of Section 4.4.20 above, Partitions and Minor Replats that qualify for the exception in Section 4.4.20.03.b "1" or "2," above, shall be subject to the following standards and procedures.

**4.4.30.01 - ~~Access Way~~ Accessway**



- a. For residential lots, access requirements of Section 4.4.20.03.b may be reduced and combined to provide an ~~Access Way~~ Accessway, a narrow strip of land connecting a parcel to a dedicated right-of-way or private street within a separate tract, in accordance with the following:

1. An ~~Access Way~~ Accessway to a single lot and one dwelling unit shall be a minimum of 17 ft. wide;
2. An ~~Access Way~~ to a single lot and two dwelling units or combined ~~Access Ways~~ Accessway to two lots and two or three dwelling units shall be a minimum of 23 ft. wide;
3. An ~~Access Way~~ Accessway to a single lot with more than two four or more dwelling units shall be a minimum of 28 ft. wide;
4. An Accessway that provides fire access shall be a minimum of 25 ft. wide. If a fire hydrant is required to be located along the Accessway, the minimum width shall be 31 ft.
4. ~~A combined Access Way to two or three lots and three or four dwelling units with a common drive shall be a minimum of 28 ft. wide; and~~
5. ~~A combined Access Way to two or three lots and five or more dwelling units with a common drive shall be a minimum of 34 ft. wide.~~

The ~~Access Way~~ Accessway ensures access to the parcel. Actual pavement widths within an ~~Access Way~~ Accessway shall be in accordance with the City's Off-street Parking and Access Standards, established by and available through the City Engineer and amended over time.

- b. ~~Access Ways~~ Accessways must connect to a dedicated right-of-way at least 40 ft. wide and paved to City standards. An exception to the paving requirements for the existing dedicated right-of-way may be allowed if all of the following conditions are met:

1. The ~~Access Way~~ Accessway connects to a paved street that is a minimum of 20 ft. wide;
2. The ~~Access Way~~ Accessway serves a single lot and not more than two dwelling units;
3. The property owner signs an irrevocable petition for public street

improvements and records it with the property through the Benton County Recorder's Office; and

4. The property owner demonstrates that the grade of the property will allow foundation drainage to be carried by gravity, without pumping, to a public storm drain or other drainage facility approved by the City Engineer.
- c. The City Engineer may require that any private ~~Access-Way~~ Accessway or driveway over 50 ft. long or serving two or more lots shall be constructed at the same time that the adjacent public street is constructed. This provision includes all required drainage, sewage, and utility facilities.

**4.4.30.02 - Lot Width** - The minimum lot width shall be as required by the applicable zone.

**4.4.30.03 - Lot Area** - The lot area shall be as required by the applicable zone and shall be provided entirely within the building site area, exclusive of any ~~Access-Way~~ Accessway. See Figure 4.4-1 Lot Area Exclusive of ~~Access-Way~~ Accessway, below.

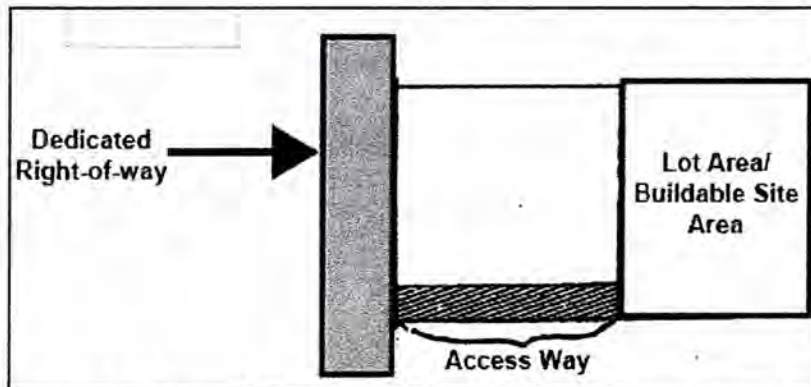


Figure 4.4-1 - Lot Area Exclusive of ~~Access-Way~~ Accessway

**4.4.30.04 - Front Yard Determination** - If the partitioned lot is a flag lot, the property owner may determine the location of the front yard, provided that no side yard setback is less than 10 ft. ~~long~~.

**4.4.30.05 - Site Improvements** - These requirements shall be in addition to others in Chapter 4.0 - Improvements Required with Development.

- a. **Screening** - A screen shall be provided along the property line of a lot of record where a paved driveway is within five ft. of the lot line; if the driveway is shared, the lot is exempt from this provision. Screening also may be

required to maintain privacy for abutting lots. These screening requirements may be waived if the adjacent affected property owner consents in writing to such a waiver. Required screening shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

- b. **Fire Protection** - The Fire Chief may require installation of a fire hydrant and turnaround(s) if the length of an ~~Access-Way~~ Accessway would have a detrimental effect on fire fighting capabilities.

#### **4.4.30.06 - Existing Vegetation**

Significant beneficial vegetation including trees and shrubbery shall be preserved wherever possible, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

#### **4.4.30.07 - Reciprocal Easements**

If a common driveway serves more than one lot, a reciprocal easement to ensure access rights shall be recorded with the approved partition map.

[Section 4.4.30 amended by Ordinance 2012-00x, effective December X, 2012]

the Residential Use standards shall apply to the remainder of the building. If a conflict exists between standards, the standard that provides more pedestrian amenities applies.

- d. **Orientation to Streets** - Where a lot or parcel fronts on three or more streets, the requirements of this Chapter, such as building orientation, location of parking, etc., apply to only two of these streets. For Through Lots in low density residential zones, and/or on a site where there is an existing Through Lot Easement, the requirements of this Chapter, such as building orientation, location of parking, etc., apply to only one street.

#### Section 4.10.50 - STANDARDS FOR DETACHED SINGLE-FAMILY, TWO-UNIT ATTACHED SINGLE-FAMILY, AND DUPLEX RESIDENTIAL BUILDING TYPES

##### 4.10.50.01 - Building Orientation, Privacy, and Facades Adjacent to Pedestrian Areas

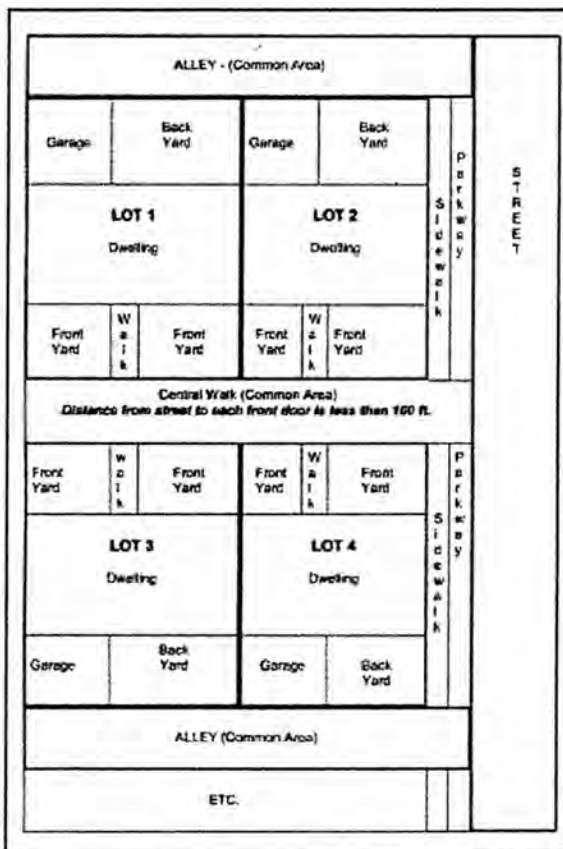


Figure 4.10-1 - Allowed Access to Single-family Development When Lots Do Not Front Directly on a Street

- a. **Orientation of Dwellings** - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

The orientation standard of this Section is satisfied when the provisions in "1," or "2," below, are met. See Figure 4.10-1 - Allowed Access to Single-family Development When



## Lots Do Not Front Directly on a Street.

1. Primary building entrances face the streets or are directly accessed from a public street right-of-way or private street tract by a sidewalk or multi-use path less than 100 ft. long (distance measured along the centerline of the path from a public street right-of-way or private street tract), and primary dwelling unit entrances open directly to the outside and do not require passage through a garage or carport to gain access to the dwelling; or
2. Exceptions:
  - a) For a Flag Lot, as defined in Chapter 1.6- Definitions (or a flag parcel) ~~existing prior to December 31, 2006~~, the primary building entrance is located within 100 ft. of the lot's (or parcel's) accessway.
  - b) ~~On flag lots, (as defined in Chapter 1.6- Definitions (or flag parcels) zoned RS-3.5, RS-5, RS-6, RS-9, or RS-9(U), and platted consistent with Section 4.4.20.03.b.1 after December 31, 2006, the primary building entrance is directly accessed from a public street right-of-way or private street tract by a sidewalk or multi-use path less than 200 ft. long and is otherwise consistent with Sections 4.4.20.03.b.1 and 4.10.50.01.a.1, above.~~
  - c) ~~For a flag lot, (as defined in Chapter 1.6- Definitions (or flag parcel), that was created consistent with Section 4.4.20.03.b.2, the primary building entrance is located within 100 ft. of the lot's (or parcel's) accessway and is otherwise consistent with Sections 4.4.20.03.b.2 and 4.10.50.01.a.1, above.~~
- b. **Privacy** - If the side wall of a dwelling or accessory dwelling is on or within three ft. of the property line, ground floor windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.
- c. **Windows and Doors** - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. Facades referenced in this provision include garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

ft. above the grade of the nearest street sidewalk or streetside multi-use path.

2. Front Porches/Patios - A front porch or front patio a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and covered by a minimum of 60 percent to provide weather protection.
3. Sidewalk/Walkway to Front Door - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

- b. **Design Variety Menu** - ~~Roof forms shall be at least a 4:12 pitch.~~  
~~Additionally, e~~Each home shall incorporate a minimum of ~~three~~ four of the following seven building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. Increased Roof Pitch - A minimum 6:12 roof pitch.
2. Eaves - Eaves with a minimum 18-in. overhang.
3. Building Materials - At least two different types of building materials including but not limited to stucco and wood, brick and stone, etc.. Alternatively, a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc., on facades facing streets. These requirements are exclusive of foundations and roofs and pertain only to the walls of a structure.
4. Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.
5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.
6. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are

defined as bay windows, covered porches greater than 60 sq. ft. in size, balconies above the 1<sup>st</sup> floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which contains the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

7. **Architectural Details** - Architectural details used consistently on dwelling facades. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or divided lights, or pergolas/trellis work integrated into building facades. If a dwelling is oriented such that its front facade, which contains the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

[Section 4.10.50 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS  
THREE UNITS OR GREATER, TOWNHOME, TRIPLEX,  
FOURPLEX, AND APARTMENT RESIDENTIAL BUILDING TYPES**

**4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to  
Pedestrian Areas**

All building orientations, facades, and entrances shall comply with the following standards.

- a. **Orientation of Buildings** - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

1. Primary building entrances shall face the streets or be directly accessed from a public street right-of-way or private street tract by a sidewalk or multi-use path less than 200 ft. long (distance measured along the centerline of the path from a public street right-of-way or private street tract), as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may



2. Open courtyard space may increase up to 50 percent of the building front beyond the maximum setback, as shown in Figure 4.10-14 - Open Courtyards, below. Open courtyard space is usable space that shall include pedestrian amenities such as benches, seating walls, or similar furnishings, and shall include landscaping. For example, an apartment building in a Mixed Use Residential Zone is required to have a front yard setback of no more than 15 ft. If a developer desires to construct a u-shaped building with a pedestrian courtyard in the center, then one half the width of the building, based upon the lineal footage of the building's street frontage, could be located farther back than the maximum setback of 15 ft.

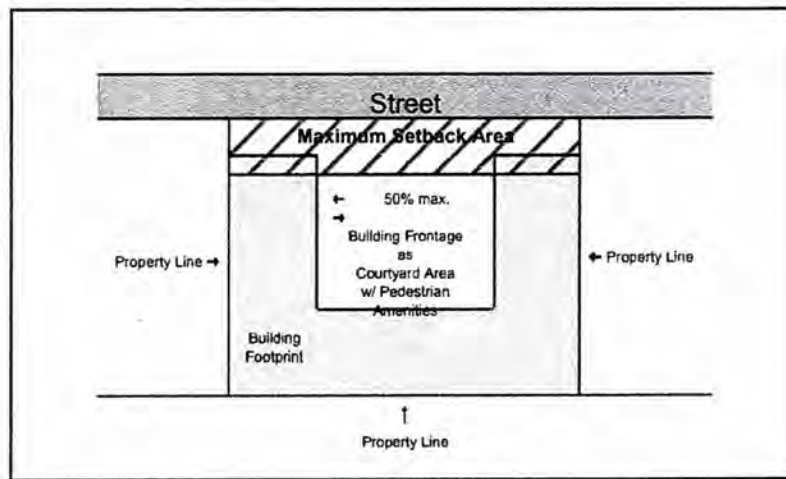


Figure 4.10-14- Open Courtyards

3. Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, with the following exceptions:
- a) ~~f~~for driveway parking associated with single-family development. See Figure 4.10-13- Primary Building Entrances Within 200 Ft. of the Street for compliant locations of parking and circulation.
  - b) ~~An exception may also be granted f~~for up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided these spaces are within driveway areas designed to serve individual units within the Duplexes or Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes, on the next page.



- c) Where multiple buildings are located on the same site, and Section 4.10.60.01.b is met by a building(s) located within the required maximum setback, parking and vehicle circulation areas may be located between the street and additional buildings located elsewhere on the site.

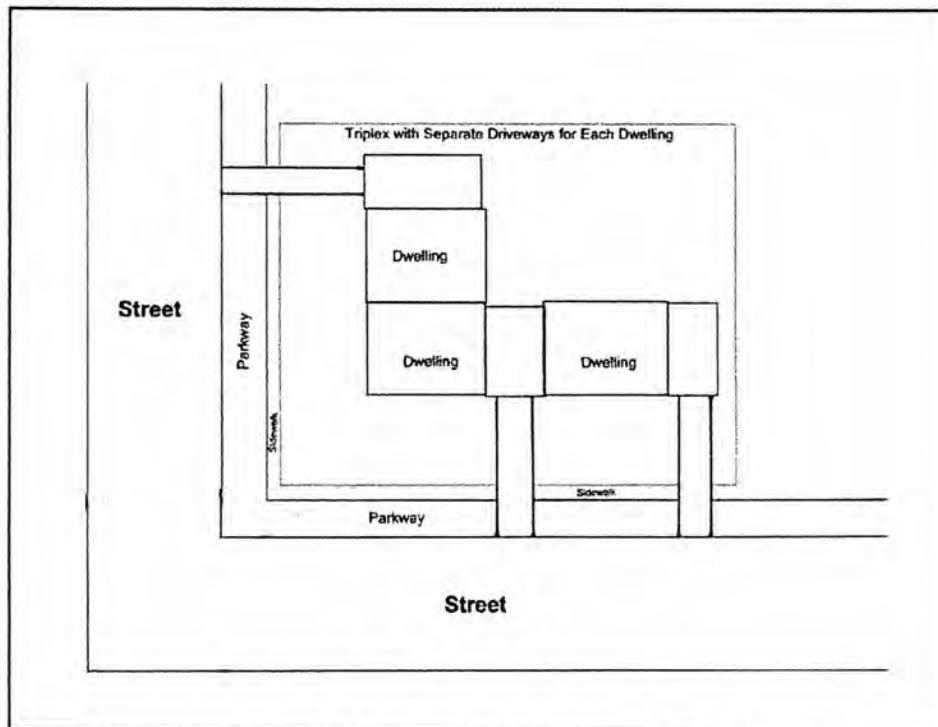


Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes

4. Exception:

- a) For Flag Lots, as defined in *Chapter 1.6- Definitions* (or flag parcels) ~~existing prior to December 31, 2006~~, the primary building entrance must be within 2100 feet of the lot's accessway.
- b) ~~On Flag Lots, as defined in Chapter 1.6- Definitions (or flag parcels) zoned RS-3.5, RS-5, RS-6, RS-9, or RS-9(U), and platted consistent with Section 4.4.20.03.b.1 after December 31, 2006, the primary building entrance shall be directly accessed from a public street right-of-way or private street tract by a sidewalk or multi-use path less than 200 ft. long and be otherwise consistent with Sections 4.4.20.03.b.1 and~~

~~4.10.60.01.a.1&3, above.~~

- b. **Percentage of Frontage** - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the street frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Street Frontage. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the street frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Street Frontage.

1. Exceptions:

- a) Buildings on lots whose rear lot line length is 50 percent or less of the length of the front lot line shall not be required to comply with subsection B, above.
- b) Where multiple buildings are located on the same site, and subsection b is met by a building(s) located within the required maximum setback, additional buildings located elsewhere on the site are not required to comply with subsection b, above.

Provisions for the ratio of garage and carport facades to the street, placement, and materials shall be as outlined in Section 4.10.50.02.

#### **4.10.60.04 - Menus for Pedestrian Features and Design Variety**

**a. Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes -**

Each Triplex, Fourplex, or Townhome shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate proposed options on plans submitted for Building Permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. Elevated Finished Floor - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multi-use path.
2. Front Porches/Patios - A front porch or front patio for each ground floor dwelling unit, with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and with a minimum of 60 percent of the porch or patio covered to provide weather protection.
3. Sidewalk/Walkway to Front Door - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

**b. Design Variety Menu -** ~~Roof forms shall be at least a 4:12 pitch with at least a six-in. overhang. Mixed use buildings may provide flat roofs with a decorative cap, such as a parapet or cornice, that is a distinctive element from the main wall of the building. Additionally, e~~Each structure shall incorporate a minimum of ~~four~~ five of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.
2. Building and Roof Articulation - Exterior building elevations that incorporate design features such as off-sets, balconies, projections,

window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:

- a) Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft. or more in height, or at least two-ft. eaves;
  - b) Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or
  - c) Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.
3. Building Materials - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.
4. Increased Eaves Width - Eaves with a minimum 18-in. overhang.
5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.
6. Increased Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.



7. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriel, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.
8. Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

#### **4.10.60.05 - Service Areas and Roof-Mounted Equipment**

- a. **Service Areas** - When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within five-10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only, provided it is in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of ~~20~~ 15 ft. from habitable floor area of both on-site and off-site residential buildings. An exception to locate service areas inside buildings may be granted consistent with the Oregon Fire Code. Transformers shall also be screened with landscaping. When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.

sidewalks shall be concrete, or masonry; and shall be at least five ft. wide. Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for sidewalks and multi-use paths shall meet City Engineering standards.

- e. **Crossings** - Where internal sidewalks cross a vehicular circulation area or parking aisle, they shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping is encouraged.
- f. **Safety Adjacent to Vehicular Areas** - Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of six in., or shall be separated from the vehicular circulation area by a minimum six-in. raised curb. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, shall be provided to enhance the separation of vehicular from pedestrian facilities.
- g. **Lighting** - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

*[Section 4.10.60 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 4.10.70 - STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND CIVIC DEVELOPMENT**

### **4.10.70.01 - Applicability**

- a. All new commercial, industrial, and civic building types and associated features, such as parking lots, within all zones that refer to Section 4.10.70 shall comply with Sections 4.10.70.02 through 4.10.70.05. Buildings associated with stand alone Automotive and Equipment - Car Wash, Fuel Sales, and Wholesale, Storage, and Distribution - Mini Warehouses use types are not required to comply with these Sections.
- b. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with this section provided that:

4.10.70.05.b.7.a through 4.10.70.05.b.7.e. If the expansion/enlargement is for space not open to customers or to the public, applicants must choose only one standard from Section 4.10.70.05.b.7.a through 4.10.70.05.b.7.e.

- e. The required standards applicable to expansions shall be applied either to the portion of the building being expanded, or in equal proportion to portions of the original building not in compliance with respect to the standard. For example, where windows may be required, but the security of a proposed storage room is needed, the applicant may install windows on other portions of the building not in compliance with the window provisions to satisfy the requirements.
- f. Expansions proposed for sites containing existing parking lots not in compliance with the parking lot design standards in this Chapter and in Chapter 4.1 - Parking, Loading, and Access Requirements, and containing parking spaces in excess of the minimum required for the existing development on the site, shall first use the excess parking spaces to satisfy the parking requirements of the expansion, and shall modify those portions of the parking lot(s) associated with the proposed expansion in accordance with the design standards in this Chapter and in Chapter 4.1. The modifications shall comply with the parking lot design standards to the maximum extent that they can be accommodated by the existing site development.
- g. Accessory Structures not open to customers or the public, and modular classroom buildings on school grounds, shall not be required to comply with this section provided that:
  - 1. The Accessory Structure is not located between the primary building and the street to which that building is oriented; and either
  - 2. The building is 500 sq. ft. or less in size; or
  - 2. The building is 3,000 sq. ft. or less in size and is equivalent to 20 percent or less of the primary structure's gross floor area.

#### **4.10.70.02 - Building Orientation**

All buildings shall be oriented, as outlined in this Section, to existing or proposed public or private streets. See Chapter 4.0 - Improvements Required with



- c. **Parking Lot Access** - Commercial driveway approaches shall be used to access parking lots from public streets. Parking lot approaches shall be located no closer than 50 ft. from local street intersections, as measured from the intersection of two rights-of-way lines. Approaches on collector and arterial streets shall comply with parking lot approach standards provided in Chapter 4.1 - Parking, Loading, and Access Requirements.
- d. **Neighborhood Center (NC) Zone Special Provisions** - Parking in the Neighborhood Center (NC) Zone shall comply with the following additional standards:
1. Off-street parking shall be located behind new buildings and building expansions for buildings constructed after adoption of this Code;
  2. Exceptions to this standard for new buildings may be requested only in association with a Planned Development application in accordance with Chapter 2.5 - Planned Development;
  3. Exceptions to this standard for expansion of a building in existence prior to December 31, 2006, may allow parking on the side of a building to the extent that required parking cannot be located to the rear due to other requirements of this Code or unusual site constraints, identified in Section 4.10.70.04.a above, and provided that the parking at the side of the building does not exceed 20 percent of the total minimum parking for the building.
  4. On-street parking along the property's frontage may count toward minimum parking requirements in the Neighborhood Center (NC) Zone.
- e. **Drive-through Facilities**
1. Internal driveways are prohibited between buildings and streets to which the building entrances are oriented, ~~except for car washes and fuel sales pursuant to "3," below.~~ Examples of correct and incorrect locations of these facilities are shown on the next page in Figure 4.10-21 - Drive-through Facilities.
  2. Drive-through Facilities Uses are prohibited in the Minor Neighborhood Center (NC) Zone. In other commercial zones, Drive-through Facilities are allowed provided "1," above is met. Pedestrian areas shall be buffered from drive-through vehicles in accordance with



Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

3. ~~Car Washes and Fuel Sales uses may include internal driveways, drive aisles, accessways, and queuing lanes between a building that meets setback requirements and the street to which the building's entrances are oriented, subject to the following standards:~~

- ~~a) Pedestrian areas shall be buffered from drive-through vehicles in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting;~~
- ~~b) A minimum eight-ft.-wide landscape buffer shall be provided between the vehicular circulation areas of the use and any sidewalk within the public street rights-of-way; and~~
- ~~c) When building entrances are separated from sidewalks by drive-through facilities, contrasting paving materials shall be required to ensure safe, direct, and convenient crossings. In addition, raised elevation warning signs and/or landscaping screens are encouraged to enhance safe, direct, and convenient crossings and to further buffer pedestrian areas from Drive-through Facilities.~~

3. Roof-mounted Equipment - Roof-mounted equipment, such as heating, ventilation, and air conditioning equipment, shall be screened. Screening features shall be at least equal in height to the equipment, compatible with roof lines, and constructed of materials used in the building's exterior construction. Screening features include such elements as a parapet, wall, or other sight-blocking feature, etc. The roof-mounted equipment shall be painted to match the roof.
4. Sign Standards
  - a) Pole-mounted, freestanding signs are prohibited in Neighborhood Center (NC) Zones.
  - b) Blade signs placed under awnings are allowed along Shopping Streets.
  - c) Remaining sign provisions are in accordance with Chapter 4.7 - Sign Regulations.
5. Lighting Standards - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
6. Windows - The provisions in this Section shall apply to placement and type of windows. Figure 4.10-24 - Windows and Glass Doors on Street-facing Facades is provided for context.
  - a) Ground Floor Windows and Doors - Except for the Neighborhood Center (NC) Zone and the MUGC Zone (where other standards are required), and except for Designated Historic Resources in the Central Business and Riverfront Zones, which are addressed in "c," and "d," below, respectively, a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. An exception may be granted if the expansion/enlargement is for space neither adjacent to a street nor open to customers or the public. Additional requirements for windows shall include the following:
    - 1) Ground floor windows shall be framed by bulkheads, piers, and sills such as are used in a recessed window,

seating wall, that conform to the accessibility standards in Section 4.10.70.05.a.4.

- c) Entrances - Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.
- d) Base Treatments - A recognizable Base Treatment consisting of at least one of the following:
  - 1) Thicker walls, such as a bulkhead, ledges, or sills as viewed from the exterior of the building;
  - 2) Integrally textured materials such as stone, stucco, or other masonry;
  - 3) Integrally colored and patterned materials such as smooth-finished stone or tile;
  - 4) Lighter or darker colored materials, Mullions, or panels;
  - 5) Detailing such as scoring, ribbing, moldings, or ornamentation; or
  - 6) Planters integral to the building.
- e) Top Treatments - A recognizable Top Treatment consisting of at least one of the following:
  - 1) Cornice treatments, other than colored stripes or bands that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;
  - 2) Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings such as Modillions, Dentils, or other moldings, as applicable; or contain brackets; or
  - 3) Stepped parapets.

[Section 4.10.70 amended by Ordinance 2012-00x, effective December X, 2012]

Natural Resources and Natural Hazards, even to provide a Minimum Assured Development Area. Regardless of the area or percentage of a particular lot or parcel covered by the High Risk/Impact Natural Resources and Natural Hazards, no encroachments shall be permitted within them, except as provided in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

- b. All development in the Natural Resources and Natural Hazards listed in "c," below, shall be limited to the specific land uses, development requirements, and exceptions listed in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

**c. High Risk/Impact Natural Resources -**

- 1. Slopes of 35 percent or greater, unless allowed by Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;
- 2. Landslide Debris Runout Areas, unless allowed by Section ~~4.5.70~~ 4.14.60;
- 3. 0.2-ft. Floodway; and
- 4. Less than five ft. from the Top-of-bank in Riparian Corridors.

[Section 4.11.50 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.11.60 – VARIATIONS**

Except as limited by provisions in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code



Covenants, and Restrictions (CC&R's) of the Homeowners' Association when a Homeowners' Association is proposed; and

- j) Estimated cost of planting the trees, shrubs, and ground covers.
- 9. If an applicant has produced part or all of a submittal in an electronic format, an electronic version of these documents shall be provided (both text and graphics, as applicable). The applicant shall coordinate with the City regarding compatible electronic formats.

#### **Section 4.12.60 - STANDARDS FOR DEVELOPMENT ON SITES CONTAINING SIGNIFICANT VEGETATION**

The location and extent of development on sites containing Significant Vegetation shall be based on the standards established below. Encroachments into areas of Significant Vegetation may be permitted based on the provisions of Chapter 4.11- Minimum Assured Development Area and the following:

**a. Highly Protected Significant Vegetation (HPSV) Areas** - For Properties Containing Areas Designated as Highly Protected Significant Vegetation (HPSV), the following standards shall apply -

- 1. Development shall be limited to portions of properties outside of the areas designated as HPSV, except to the extent allowed by the Minimum Assured Development Area, as determined through the use of the procedures and criteria established in Chapter 4.11 - Minimum Assured Development Area;
- 2. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts or conservation easements (as defined in ORS 271.715), which shall ensure that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved in the tracts or conservation easements. The preserved and/or enhanced vegetation shall not be placed in tracts, if the creation of separate tracts will cause the remainder lot or parcel to fall below the required minimum lot area. The City of Corvallis shall be the holder of proposed conservation easements. Exceptions to this requirement shall be granted based on the following:
  - a) Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage; and
  - b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy coverage;
- 3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts or conservation easements (as defined in ORS 271.715), such that a minimum

of 70 percent Mature Tree Canopy overage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and

4. Portions of the site developed according to the MADA provisions contained in Chapter 4.11- Minimum Assured Development Area, areas outside of preserved Significant Vegetation tracts or easements shall be planted to achieve 40 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.

**b. Partially Protected Significant Vegetation-1 (PPSV-1) Areas** - For properties containing areas designated as Partially Protected Significant Vegetation-1 (PPSV-1) the following standards shall apply:

1. Development shall be located on areas outside of the PPSV, except to the extent allowed by the provisions of Chapter 4.11- Minimum Assured Development Area;
2. The provisions for determining Minimum Assured Development Area may be applied directly to the PPSV-1 resource area, rather than applying it to the entire development site, as required in all other instances;
3. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts or conservation easements (as defined in ORS 271.715), which shall be planted and/or preserved such that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved within the tracts or conservation easements. The preserved and/or enhanced vegetation shall not be placed in tracts, if the creation of separate tracts will cause the remainder lot or parcel to fall below the required minimum lot area. The City of Corvallis shall be the holder of proposed conservation easements. Exceptions to this requirement shall be granted based on the following:
  - a) Preserved existing upland prairie areas shall be credited as 100 percent Mature Tree Canopy Coverage; and
  - b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;
4. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts or conservation easements (as defined in ORS 271.715), such that a minimum of 70 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and

5. Portions of the site developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts or easements, shall be planted to achieve 35 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.
- c. Partially Protected Significant Vegetation-2 (PPSV-2) Areas** - For properties containing areas designated as Partially Protected Significant Vegetation-2 (PPSV-2) the following standards shall apply:
1. Development shall be located on areas outside of the PPSV, except to the extent allowed by the provisions of Chapter 4.11- Minimum Assured Development Area, with an additional allowance of 20 percent of the entire site;
  2. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts or conservation easements (as defined in ORS 271.715), which shall be planted and/or preserved such that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved within the tracts or conservation easements. The preserved and/or enhanced vegetation shall not be placed in tracts, if the creation of separate tracts will cause the remainder lot or parcel to fall below the required minimum lot area. The City of Corvallis shall be the holder of proposed conservation easements. Exceptions to this requirement shall be granted based on the following:
    - a) Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage; and
    - b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;
  3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts or conservation easements (as defined in ORS 271.715), such that a minimum of 70 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions;
  4. Undeveloped portions of the PPSV shall be contiguous to adjacent preserved Natural Resources; and
  5. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts or easements, shall be planted to achieve 25 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering,

4. Vegetation removal and ground disturbance shall be prohibited within the Circle of Protection for all trees and vegetation areas to be preserved.
  5. Irrigation shall be prohibited and no increase or decrease in either drainage volume or frequency shall occur within the Circle of Protection of preserved oak trees.
- g. Mature Tree Canopy Coverage shall be based on either the anticipated 15-year Mature Tree Canopy Coverage or the canopy of the preserved existing trees, whichever is greater. See Tree Canopy Coverage and 15-year Mature Tree Canopy Coverage in Chapter 1.6 - Definitions.
  - h. A minimum of 30 percent of the planted mitigation trees must be Large Canopy Tree species. See Tree, Large Canopy in Chapter 1.6 - Definitions.
  - i. Required street trees and parking lot landscaping shall not be credited toward mitigation trees, shrubs, or ground covers.
  - j. Required street trees and parking lot landscaping trees shall be credited for Mature Tree Canopy Coverage in developed areas outside protected HPSV or PPSV areas.
  - k. Trees, shrubs, and ground covers required in Section 4.12.60 to be planted to achieve minimum landscape and/or Tree Canopy Coverage shall be continuously maintained in a healthy manner. Prior to the removal of any vegetation a cash deposit, bond, or other financial security allowed by Code in the amount of 125 percent of the cost of required mitigation trees, shrubs, and ground covers shall be provided. Similar financial security for maintenance and replacement of vegetation shall be provided for a minimum of five years after the plantings. Required trees, shrubs, and ground covers that die within the first five years after initial planting must be replaced in kind.
  - l. Required trees, shrubs, and ground covers shall be planted within 180 days of their removal and shall be irrigated as per Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, except as provided in "f.5," above .
  - m. In addition to the standards in this Chapter, developed areas shall be landscaped in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
  - n. Construction site activities shall be located outside of Significant Vegetation protection areas. Such construction activities include, but are not limited to parking, material storage, soil compaction, and concrete washout.

[Section 4.12.60 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.12.70 - PROVISIONS LIMITING EXTENSIONS OF PUBLIC AND PRIVATE ROADWAYS AND UTILITIES ON SITES CONTAINING SIGNIFICANT VEGETATION**



Generally, development in these areas is strongly discouraged due to concerns with safety, ground movement, slope stability, high levels of cut and fill, and hydrological and erosion impacts. However, very limited development, as described and regulated in "a," through "de," below, may occur in areas with slopes equal to or greater than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

- a.**     **Development on Units of Land Legally Created prior to December 31, 2006** - For units of land that were legally created prior to December 31, 2006, and are ½ acre or less in size, development may occur within areas containing slopes of 35 percent or greater. Although properties developed under this exception are not required to qualify for MADA, encroachment into areas with slopes of 35 percent or greater shall not exceed the area that would be allowed by MADA provisions based on the zoning and size of the property. Additionally, development shall comply with LDC Section 4.14.50 - Standards for Development in Steeply Sloped Areas, 4.14.60.04 - Required Indemnification and Release, and 4.14.70 - Hillside Development Standards.
- ab.**    **Development Limitations** - Streets, driveways, and utilities may be located on the specified slope areas only if it can be shown that passage through the steeply sloped area is the only viable route available to afford access to the developable portion of a property;
- bc.**    **Site Assessment and Geotechnical Report Required** - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, Floodplain Development Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed necessary by the site assessment report. Reports shall meet the criteria identified in sections 4.14.50.04 and 4.14.50.05. Development shall conform with all recommendations and requirements established by these required reports.
- cd.**    **Compliance with Hillside Development Standards** - Development shall comply with the Hillside Development Standards in Section 4.14.70.
- de.**    **Tree Cutting Limitations** - No tree cutting is allowed on slopes equal to or greater than 35 percent, with the exception of the following:

  - 1.     **Removal of a Hazardous Tree** - Hazardous Trees are defined in Chapter 1.6 - Definitions. Hazardous Tree removal requests shall be consistent with Section 4.2.20.1;

2. Accommodation of development allowed under 4.14.50.06.a and/or b above; or
3. Accommodation of a public or private utility for which permits have been obtained.

**4.14.50.07 - Standards for Areas with Slopes Equal to or Greater than 25 Percent, but less than 35 Percent**

Development in these areas should be avoided, if feasible, due to concerns with safety, ground movement, slope stability, and erosion impacts. However, the following standards shall apply for development in areas with slopes equal to or greater than 25 percent, but less than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

- a. **Site Assessment and Geotechnical Report Required** - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, Floodplain Development Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed necessary by the site assessment report. Reports shall meet the criteria identified in sections 4.14.50.04 and 4.14.50.05. Development shall conform with all recommendations and requirements established by these required reports.
- b. **Compliance with Hillside Development Standards** - Development shall comply with the Hillside Development Standards in Section 4.14.70.

**4.14.50.08 - Standards for Areas with Slopes Equal to or Greater than 15 Percent, but less than 25 Percent**

Development in these areas should be carefully evaluated, due to concerns with safety, ground movement, slope stability, and erosion impacts. The following standards shall apply for development in areas with slopes equal to or greater than 15 percent, but less than 25 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of a topographic survey, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

- a. **Site Assessment Required** - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and

Grading Permits, Floodplain Development Permits, and Building Permit submittals, shall be accompanied with a Site Assessment which meets the criteria identified in Section 4.14.50.04. If the Site Assessment identifies the need for a Geotechnical Report, or other reports, those reports shall be submitted with the application for development and shall be consistent with the requirements of Section 4.14.50.05. Development shall conform with all recommendations and requirements established by any and all required reports.

- b. **Compliance with Hillside Development Standards** - Development shall comply with the Hillside Development Standards in Section 4.14.70.

*[Section 4.14.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.14.60 - STANDARDS FOR DEVELOPMENT IN LANDSLIDE HAZARD AREAS**

##### **4.14.60.01 - Purposes - Standards for Development in Landslide Hazard Areas**

It is the purpose of these regulations to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to mitigate potential impacts from landslides in Corvallis. Landslide Hazard areas include High Landslide Risk areas, Existing Landslide areas, and Landslide Debris Runout areas. These areas are mapped on the Natural Hazards Map. The following regulations shall apply to development and other activities in identified Landslide Hazard areas.

##### **4.14.60.02 - Applicability**

Except as provided under Section 4.14.60.03, below, no person shall engage in any of the following regulated activities ~~on properties containing or abutting within~~ the Landslide Hazard areas designated on the Corvallis Natural Hazards Map; ~~unless it can be shown that the proposed activity is located at least 500-ft. distant from any portion of the Natural Hazard area as mapped on the Natural Hazards Map.~~ Development inside of the 500-ft. buffer of the Landslide Hazard areas, but outside of the Landslide Hazard areas, is not subject to the provisions in Sections 4.14.60.03 and 04, unless deemed necessary by the City's Building Official.

- a. Excavation;
- b. Fill;
- c. Installation or construction of any accessory structure with a Building Code occupancy classification other than "U;"



- d. Construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to this Code, or the adopted Building Code; and
- e. Construction or expansion of utilities, streets, driveways, or other accessways.

#### **4.14.60.03 - Site Assessment and Geotechnical Report Requirement**

- a. Applications for development ~~on properties containing or abutting within~~ identified Landslide Hazard areas, or as deemed necessary by the City's Building Official, including land use applications, Excavation and Grading Permits, Floodplain Development Permits, Public Improvements by Private Contract Permits (PIPC), Building Permits, and any other development permits, shall include a Site Assessment and Geotechnical Report which meet the criteria identified in Sections 4.14.50.04 and 4.14.50.05. In addition to the items identified in Section 4.14.50.05, the Geotechnical Report shall specifically address the presence, characteristics, and precise location of the identified hazard(s) on the subject property which is/are depicted on the Natural Hazards Map. If other reports are called for by the Site Assessment, these reports shall also be submitted.
- b. Prior to issuance of permits for any work on the development site, the Building Official and/or City Engineer shall review the submitted Site Assessment, Geotechnical Report, and any other required reports. Permits shall not be issued until the Building Official and/or City Engineer approve the required reports. Upon approval of these reports, permits for construction activities may be issued, if they are in accordance with the findings and recommendations of the reports. Site inspections and submitted permit materials shall demonstrate that all necessary measures recommended by the reports and by City staff are addressed in the construction process. In no case will permits be issued for development that would increase landslide risks on the development site, or upon neighboring properties, as indicated in the approved reports.

#### **4.14.60.04 - Required Indemnification and Release**

Prior to issuance of Building Permits for structures ~~within or abutting~~ Landslide Hazard areas, or as deemed necessary by the City's Building Official, the applicant shall sign an agreement, provided by the City, to indemnify and release the City from potential liability resulting from damage to life or property resulting from landslides. This indemnity and release shall be recorded with the property, and shall run with the land.

[Section 4.14.60 amended by Ordinance 2012-00x, effective December X, 2012]





**ORDINANCE 2012-19**

**AN ORDINANCE AMENDING THE CORVALLIS LAND DEVELOPMENT CODE, MODIFYING ORDINANCE 93-20, AS AMENDED, TO REVISE PROVISIONS AFFECTING DEVELOPMENT CONSISTENT WITH THE CATEGORY OF LOCAL FOOD PROVISIONS (LDT12-00001)**

AN ORDINANCE relating to a Legislative Amendment to the Land Development Code (LDT12-00001), modifying Ordinance 93-20, as amended.

Whereas, the Planning Commission, after holding duly advertised public hearings on September 19, 2012, and October 3, 2012, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Land Development Code;

Whereas, on October 3, 2012, the Planning Commission recommended that the City Council approve the request to amend some Land Development Code provisions affecting development consistent with the category of local food provisions;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code on November 5, 2012, and interested persons and the general public were given an opportunity to be heard;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on November 19, 2012, met to deliberate on the matter, and made a preliminary decision to approve the local food provisions, subject to adoption of formal findings;

Whereas, findings of fact have been prepared and consist of the formal findings attached hereto as Exhibit A and the final version of this Amendment, attached hereto as Exhibit B;

Whereas, said findings are by reference incorporated herein and are hereby adopted by the City Council;

Whereas, the City Council finds that the burden of proof has been met;

Whereas, the City Council finds that the public necessity, convenience, and general welfare require such Amendment; and

Whereas, the City Council finds that the proposal conforms with the Corvallis Comprehensive Plan and other applicable policies;

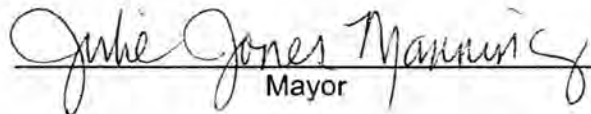
NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

**Section 1.** The Land Development Code is amended as shown by the provisions contained in Exhibits A and B.

PASSED by the Council this 3rd Day of December, 2012.

APPROVED by the Mayor this 3rd Day of December, 2012.

Effective the 13th Day of December, 2012.

  
Mayor

ATTEST:

  
City Recorder

# **EXHIBIT A**

## **LOCAL FOOD PROVISIONS**

BEFORE THE CITY COUNCIL

OF THE CITY OF CORVALLIS

In the Matter of the City Council decision to approve a	)	
Legislative Amendment to the Land Development Code	)	LDT12-00001
(LDC) as proposed and as modified by the Council in	)	
Ordinance 2012-____, which will change the LDC and	)	FINDINGS AND
implement the proposed changes.	)	CONCLUSIONS

### **INTRODUCTION**

The matter before the City Council is:

A decision regarding a Legislative Amendment to the Land Development Code (LDC) to amend several LDC provisions affecting development throughout the City of Corvallis. The Legislative Amendment to the LDC is collectively referred to as case LDT12-0001 ("2012 LDC Changes"). However, the final local decision on this matter involves five separate ordinances adopted by City Council, each ordinance representing one of five components of the collective package of code amendments. The discussion contained in this Exhibit A to Ordinance 2012-\_\_\_\_ reflects the City Council's Findings regarding what is referred to in the record for case LDT12-00001 as the "Local Food Provisions" component of the LDC Legislative Amendment.

The applicant for this case is the City of Corvallis. In accordance with LDC Section 1.2.80.02, the City Council initiated this Legislative Amendment to the LDC on August 20, 2012. In accordance with LDC Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment to the LDC on September 19 and October 3, 2012. The Planning Commission forwarded its recommendation for approval to the City Council.

In accordance with LDC Section 1.2.80.03, the City Council held a duly-advertised de novo public hearing on November 5, 2012, to consider this Legislative Text Amendment to the LDC. On November 19, 2012, the City Council deliberated on the Legislative Text Amendment.

The members of the City Council voted to APPROVE the Legislative Amendment to the LDC as recommended by the Planning Commission and modified by the Council, subject to review and



approval of these findings, and subject to the changes reflected in Exhibit B of this implementing Ordinance 2012-\_\_\_, adopted December 3, 2012.

Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions address relevant Comprehensive Plan Policies, LDC sections, and Oregon Statewide Planning Goals.

### **APPLICABLE CRITERIA**

All applicable legal criteria governing review of this application are identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits.

## **FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE**

### **1. Background and City Council Goals for the Legislative Amendment to the Land Development Code (LDT12-00001) -**

The Council notes that in April of 2011, the City Council approved a bi-annual work program for the Planning Division after receiving public input and in consultation with the Planning Commission. The Council notes that at the time the work program was approved, Council Goals had not been established, but it was anticipated that several goals under consideration would result in a major staff role for Community Development, and therefore would impact planning work program priorities. The Council notes that as it turned out, three of the four Council Goals relate directly to work of the Community Development Department. Additionally, the Council notes there was acknowledgment that several other planning efforts, such as the FEMA-required update to the City's floodplain management program, would need to be completed prior to addressing 2011-2012 work program priorities. However, the City Council determined that once these ongoing tasks were finished, the next step would be to prepare a package of Land Development Code changes that would include "housekeeping" items that correct obvious omissions or inconsistencies in the code, substantive issues items to streamline the code, and the recommendations from the Corvallis Infill Task Force (CITF).

The Council notes that having made major progress on the other long range planning work assignments, in May of 2012 Planning Division staff reviewed the recommendations of the CITF, along with items on the "housekeeping" and substantive issues lists and City Council Goals and prepared recommendations and policy questions for the Planning Commission prior to beginning work on the code amendment package. The Council notes that on June 6<sup>th</sup> and June 13<sup>th</sup>, work sessions were held with the Planning Commission in order to gain

preliminary direction and concurrence with the proposed package of code changes. The Council notes that public testimony was received and some adjustments were made to the proposed code amendments. The Council notes that the Planning Commission supported the addition of a few items recommended by staff to be added to the substantive issues list and recommended that two recommended items from the CITF be set aside for the time being. The Council notes that those items were: 1) to improve the definition of infill, and 2) to allow irrevocable petitions for infill development.

The Council notes that in order to address one of the City Council goals, a package of code amendments was included to facilitate the provision of "local food" in the community. The Council notes that these code amendments were developed by Community Development staff, based, in part, on the work of a Benton County health impact assessment regarding this issue, as well as additional staff research and analysis. The Council notes that the Planning Commission endorsed the inclusion of these items in the package of 2012 code amendments.

The Council notes that on June 18<sup>th</sup>, a work session was held with the City Council regarding the 2012 code amendments. The Council notes that the City Council endorsed moving forward with the package of code amendments that was recommended by the Planning Commission. The Council notes that staff then began preparing specific language for the Land Development Code amendments, to be considered by the Planning Commission and City Council through the process required for such amendments. The Council notes that on August 20, 2012, the City Council voted to initiate the process to consider the proposed package of 2012 Land Development Code Amendments.

The Council notes that the Planning Commission held a public hearing on September 19, 2012, and held the hearing open until October 3, 2012, to consider the package of code amendments (minutes of the meetings are included as **Exhibit B** of the Council Staff Report). The Council notes that after hearing testimony and deliberating, the Planning Commission decided to recommend that the City Council consider and approve the code amendments, with a few revisions proposed by the Planning Commission. The Council notes that the City Council staff report describes the changes recommended by the Planning Commission. The Council notes that **Exhibit E** of the City Council staff report summarizes all proposed code amendments, as well as describing the changes recommended by the Planning Commission.

The Council notes that in addition to the changes recommended by the Planning Commission, public testimony has been received concerning certain items in the code amendments package. The Council notes that after review of the submitted public testimony, Staff recommended revisions to certain code provisions. The Council notes that these Staff-proposed revisions are discussed in the November 19, 2012, memorandum to the City Council from Community Development Director, Ken Gib. The Council notes that Councilor Hervey also proposed revisions to certain code provisions, in part based on

consideration of public testimony. Councilor Hervey's proposed revisions are shown in his November 19, 2012, memorandum to the City Council. The Council notes that where the Planning Commission did not recommend changes, complete Staff analysis of each code amendment may be found in the September 10, 2012, Staff Report to the Planning Commission, which is included as **Exhibit A** of the City Council staff report.

### **Conclusions on Background and Text Amendment Goals**

The Council finds that the proposed Legislative Amendment to the LDC achieves the goals articulated by the Council. The Council finds that in achieving these goals, the Legislative Amendment to the LDC is in the interest of public necessity, convenience, and general welfare, as required by LDC Section 1.2.80.01.

## **2. Adequacy of the Public Record -**

The Council notes that this Legislative LDC Text Amendment, in the category of "Local Food", affects LDC Sections 1.6.30; 3.0.30.04.a; 3.0.30.05.c; 3.0.30.05.d; 3.0.30.05.g; 3.0.30.05.h (new); 3.0.30.05.i (new); 3.0.30.05.j (new); 3.0.30.03.1.20.01.a; 3.1.20.01.b; 3.2.20.01.a; 3.2.20.01.b; 3.3.20.01.a; 3.3.20.01.b; 3.4.20.01.a; 3.4.20.01.b; 3.5.20.01.a; 3.5.20.01.b; 3.6.20.01.a; 3.6.20.01.b; 3.7.20.01.a; 3.7.20.01.b; 3.7.50.03.e; 3.7.50.f; 3.8.20.01.a; 3.8.20.01.b; 3.8.50.03.e; 3.8.50.03.f; 3.9.30.01.a; 3.9.30.01.b; 3.10.20.01.a; 3.10.20.01.b; 3.11.20.01.c; 3.14.30.f; 3.15.30.01.b; 3.6.20.01.b; 3.19.30.c; 3.20.30.d; 3.20.30.e; 3.21.30.g; 3.21.30.h; 3.22.30.e; 3.22.30.f; 3.23.20.01.a.4; 3.23.20.01.b; 3.4.20.01.a.4; 3.23.20.01.b; 3.4.20.01.a.4; 3.4.20.01.b; 3.25.20.01.a.4; 3.25.20.01.b; 3.26.30.01.b; 3.27.30.01.a; 3.27.30.01.b; 3.26.20.01.a.4; 3.26.20.01.b; 3.37.20.01.a.2; 3.37.20.01.b; 4.3.40; 4.9.90 (new).

The Council notes that the Land Development Code identifies procedures for Legislative Amendments to the Land Development Code in Chapter 1.2, which states that such Amendments must be initiated by a majority vote of the Planning Commission or the City Council. The Council notes that in accordance with Land Development Code Section 1.2.80.02, the City Council initiated this Legislative LDC Text Amendment on August 20, 2012.

The Council notes that the applicant for this case is the City of Corvallis and that, in accordance with Land Development Code Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative LDC Text Amendment at two meetings on September 19, and October 3, 2012. The Council notes that the notice for this public hearing was duly published on September 7, 2012. The Council notes that the Planning Commission forwarded its recommendation for approval to the City Council.

The Council notes that in accordance with LDC Section 1.2.80.03, the City Council duly advertised a public hearing to consider this Legislative LDC Text Amendment and that the notice was duly published in the Corvallis Gazette-Times on October 22, 2012. The Council



notes that this public hearing was held on November 5, 2012. The Council notes that on November 19, 2012 the City Council deliberated on the Legislative LDC Text Amendment.

The Council notes that after deliberating, it approved the Local Food portion of the Legislative LDC Text Amendment, subject to approval of formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative LDC Text Amendment, which were identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits. The Council notes that in reaching its decision it also considered the Planning Commission recommendation, the information and analysis presented by Staff, and all public testimony.

### **Conclusions on Adequacy of the Public Record**

The Council finds that there was ample opportunity for the public to testify, the process for developing and reviewing the Legislative LDC Text Amendment conformed to local and state land use requirements, and the record contains all information needed to evaluate the application for compliance with the applicable criteria.

The City Council accepts and adopts findings contained in the September 10, 2012, Staff Report to the Planning Commission, the Planning Commission findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Commission's September 19, 2012, public hearing, and October 3, 2012, deliberations, the October 24, 2012, Staff Report to the City Council, and the findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Council's November 5, 2012, public hearing and November 19, 2012, deliberations. The City Council also accepts and adopts findings contained in the November 19, 2012, memorandum to the City Council from City Councilor Hervey and findings in the November 19, 2012, memorandum to the City Council from Ken Gibb, Community Development Director. These findings shall be referred to as the "Incorporated Findings," and are to be considered along with the "Supplemental Findings" contained within this document.

### **3. Legislative Amendment to the Land Development Code Text Changes -**

The Council notes that all proposed text changes involved in the proposed Legislative Amendment to the Land Development Code are shown in the September 10, 2012, Staff Report to the Planning Commission. The City Council notes that in response to public testimony and discussion during the Planning Commission deliberations, the Planning Commission recommended that the proposed text changes be modified. The Council notes that the modifications recommended by the Planning Commission were captured in the October 24, 2012, Staff Report to the City Council, except for one change regarding the LDC Chapter 3.0 - Use Classifications definition for Limited Manufacturing. The Council notes that based on consideration of public testimony, the November 19, 2012, memorandum from City Councilor Hervey (**Findings Attachment I**), findings in the November 19, 2012, memorandum from Ken Gibb, Community Development Director



(Findings Attachment II), and Council deliberations, that the Text Amendments related to proposed local food provisions were modified further as reflected in City Council motion to approve the local food Text Amendments. This motion included six specific changes to the proposed Text Amendments that were not incorporated into the October 24, 2012, staff report to the City Council. These six changes are under the categories of: Limited Manufacturing definition, Limited Industrial - Office Zone, Market Gardens - Full Time Equivalent, Market Gardens - Temporary Stand Time Limit, Community Garden - Temporary Stand Time Limit, Market Garden - Compatibility. Findings related to the changes made to the Text Amendments made by the City Council during November 19, 2012, deliberations as reflected in the motion to approve the local food provisions, are presented below. Additionally, findings related to the issue of the permitted size of a Greenhouse when associated with a Garden as the primary use are made below. The Council notes that new LDC text is indicated with double underline font and deleted text is shown with strike-out font.

#### Limited Manufacturing Definition

The City Council notes that Limited Manufacturing is an industrial use type, which is defined in LDC Chapter 3.0 - Use Classifications. The City Council notes that on page 147 of the September 10, 2012, staff report to the Planning Commission City staff proposed modifying the Limited Manufacturing definition as follows:

- a. **Limited Manufacturing** - Establishments that employ 20 or fewer persons per shift unless otherwise specified by the applicable zone, do not involve outside storage of materials, do not require state or federal air quality discharge permits (except for parking), are compatible with nearby Residential Uses because there are few or no offensive external effects, and are primarily engaged in one of the following:
  1. On-site production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales. Typical Uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; ~~or~~
  2. Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales; or
  3. On-site production or processing of food products. Food products may be finished or semi-finished and are generally made for the wholesale market, or transfer to other businesses. On-site retail sale of goods shall be a subordinate part of total sales. Limited Manufacturing excludes the activities of slaughtering animals, and canning, rendering, tanning, and reduction of meat.

The City Council notes that the League of Women Voters (LWV) submitted written testimony to the Planning Commission in a letter dated September 18, 2012 (**City Council Staff Report , Exhibit D-11**), and also gave oral testimony during the Planning Commission public hearing on the subject Text Amendments. The Council notes that testimony from Rebecca Landis, that concurred with all of the LWV recommendations was submitted on October 1, 2012 (**City Council Staff Report , Exhibit D-15**). The Council notes that the LWV recommended changing the staff proposed Limited Manufacturing definition to add the phrase "direct retail sales off-site" in subsection 3, to make clear that direct retail sales off-site would be permitted as part of a Limited Manufacturing use. The Council notes that in the October 1, 2012, memorandum to the Planning Commission from Associate Planner Richardson, staff stated they had "no reservations" about the change proposed by the LWV (**City Council Staff Report , Exhibit D-11**), and suggested the following modified Limited Manufacturing definition (bold text in a.3 shows LWV proposed revision):

- a. **Limited Manufacturing** - Establishments that employ 20 or fewer persons per shift unless otherwise specified by the applicable zone, do not involve outside storage of materials, do not require state or federal air quality discharge permits (except for parking), are compatible with nearby Residential Uses because there are few or no offensive external effects, and are primarily engaged in one of the following:
  1. On-site production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales. Typical Uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; ~~or~~
  2. Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales; or
  3. On-site production or processing of food products. Food products may be finished or semi-finished and are generally made for the wholesale market, ~~or~~ transfer to other businesses, **or direct retail sales off-site**. On-site retail sale of goods shall be a subordinate part of total sales. Limited Manufacturing excludes the activities of slaughtering animals, and canning, rendering, tanning, and reduction of meat.

The City Council notes that the Planning Commission accepted the proposed change, and incorporated it into their final recommendation to City Council as reflected in the September

19, 2012, and October 3, 2012, Planning Commission meeting minutes (**City Council Staff Report , Exhibit B**).

The City Council notes that the changes to the Limited Manufacturing definition recommended by the Planning Commission were omitted in error from the October 24, 2012, City Council Staff Report. The Council notes that this omission was identified by the LWV in written testimony to the City Council dated November 5, 2012, and that the LWV recommended incorporating the Limited Manufacturing definition provided in the October 1, 2012, memo to the Planning Commission from Associate Planner Richardson. The Council notes that the November 19, 2012, memorandum to the City Council from Community Development Director Gibb (**Findings Attachment II**), included the Limited Manufacturing definition proposed by staff in the October 1, 2012, memo to the Planning Commission from Associate Planner Richardson. The Council notes that the Council motion to approve the "Local Food Provision" Text Amendments specifically referenced the modification to the Limited Manufacturing definition, as presented in the November 19, 2012, memorandum.

The Council finds that incorporating the phrase "or direct retail sales" in the proposed Limited Manufacturing definition makes it abundantly clear that food products produced or processed by a Limited Manufacturing activity may be transferred and sold at a different location than where the Limited Manufacturing activity takes place. The Council finds that this clarification makes it easier to understand the intent and parameters of Limited Manufacturing activities, and as such is to the benefit of the public convenience and welfare, consistent with LDC Section 1.2.80.01. The City Council finds that as modified, the amendments to the Limited Manufacturing use type definition continue to be consistent with applicable Comprehensive Plan Policies and Statewide Planning Goals, as explained in the September 10, 2012, Planning Commission Staff Report (**City Council Staff Report Exhibit A-147**). The applicable Comprehensive Plan policies referenced in the September 10, 2012, Staff Report are 8.2.1, 8.2.3, 8.2.4, and 8.10.1, and the applicable Statewide Planning Goal referenced is Goal 9 - Economy of the State.

#### Limited Industrial - Office Zone

The City Council notes that Tree, and Row and Field Crops are Agricultural use types defined in LDC Chapter 3.0 - Use Classifications. The Council notes that currently these use types are not permitted in industrial zones. The Council notes that in the September 10, 2012, Planning Commission Staff Report, Staff recommended that Tree, and Row and Field Crops be permitted outright as primary uses in the Limited Industrial, General Industrial, and Intensive Industrial zones (**City Council Staff Report Exhibit A-145**). The Council notes that the Planning Commission recommended the City Council amend the LDC to permit Tree, and Row and Field Crops as primary outright uses in these zones. The Council notes that the Limited Industrial-Office zone was not included as a zone where these use types should occur. The Council notes that Staff memoranda dated November

5, and November 14, 2012, responded to City Council questions regarding proposed Text Amendments, including which zones Tree, and Row and Field Crops were proposed to be permitted. The Council notes that the November 19, 2012, memorandum from Community Development Director Gibb, includes a recommendation to also permit Tree, and Row and Field crops as primary outright permitted uses in the Limited Industrial - Office zone **(Findings Attachment II)**. The Council notes that a specific motion to include these use types in the Limited Industrial - Office zone was approved by the Council on November 19, 2012.

The City Council finds that Tree, and Row and Field Crops are use types that should be permitted in the Limited Industrial-Office zone, for the same reasons given in the September 10, 2012, Planning Commission Staff Report and Planning Commission deliberations, with respect to the Limited Industrial, General Industrial, and Intensive Industrial zones. The City Council finds that including Tree, and Row and Field Crops in the Limited Industrial - Office zone is to the benefit of the public convenience and welfare, consistent with LDC Section 1.2.80.01, and is consistent with applicable Comprehensive Plan Policies and Statewide Planning Goals, as explained in the September 10, 2012, Planning Commission Staff Report with respect to including these use types in other industrial zones **(City Council Staff Report Exhibit A-145)**. The applicable Comprehensive Plan policies referenced in the September 10, 2012, Staff Report are 5.2.1, 8.2.1, 8.2.3, 8.2.4, and 8.9.3, and the applicable Statewide Planning Goal referenced is Goal 9 - Economy of the State.

#### Market Gardens

The City Council notes that the proposed Text Amendments include a new Agricultural use type called Market Garden, and that Market Gardens would be governed by proposed regulations in LDC Chapter 4.9 - Additional Provisions. The Council notes that the regulations in LDC Chapter 4.9 - Additional Provisions, proposed by City Staff in the September 10, 2012, Planning Commission Staff report **(City Council Staff Report Exhibit A-137)** regarding Market Gardens are provided below:

#### Section 4.9.90 - Urban Agriculture

##### a. Market Gardens

1. Market Garden activities shall be conducted by members of the family occupying the associated dwelling, with up to one additional employee whose work on the site shall not exceed 40 hours per week.
2. No display shall indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling, except that signage consistent with Section 4.7.90.01 of Chapter 4.7 - Sign Regulations is allowed.



3. The amount of commercial activity is less intensive than activities permitted in a commercial zone.
4. The use will not cause excessive or unusual traffic in the vicinity because of deliveries, pick-ups, parking, sales, or other activities.
5. Noise, smoke, or odors do not exceed those created by normal residential use.
6. Retail activities shall occur only within the home, garage, permanent outbuildings, or stands or kiosks as described in "7," below.
7. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard, and shall cease operations, by 7:00 PM each day. Stands and kiosks shall not be permitted in the public right-of-way.

The City Council finds that, per LDC Section 1.2.80.01, it is in the interest of public convenience and welfare to establish a Market Garden Use type and regulate the use type through the provisions in LDC Section 4.9.90 - Urban Agriculture, as amended by Council. The Council finds that the Market Garden use type is consistent with the Comprehensive Plan and applicable Statewide Planning Goals, as explained in the September 10, 2012, Planning Commission Staff Report. The applicable Comprehensive Plan policies referenced in the September 10, 2012, Staff Report are 3.2.1, 8.2.1, 8.2.3, 8.10.1, 9.2.5, and 11.2.3, and the applicable Statewide Planning Goals referenced are Goal 9 - Economy of the State, and Goal 13 - Energy.

#### Market Gardens - Full Time Equivalent

The City Council notes that Section 4.9.90.a.1 of the Staff proposed Urban Agriculture provisions (shown above), limited the employment of a Market Garden business to members of the family occupying the associated dwelling, and one additional employee whose work on the site would not exceed 40 hours per week. The City Council notes that a similar provision is found in the LDC Chapter 1.6 - Definitions, definition for Home Business, which the Market Garden provisions were modeled after. The Council notes that the LWV submitted testimony to the Planning Commission and also to the City Council recommending that, rather than limiting the number of non-family employees to one person, Section 4.9.90.a.1 should limit the number of hours non-family members could work on-site to 40-hours (**City Council Staff Report Exhibit D-11**). The City Council notes that City Councilor Hervey proposed that LDC Section 4.9.90.a.1 be modified, as recommended by the LWV to read (bold is new text proposed by Councilor Hervey per the LWV testimony):

1. Market Garden activities shall be conducted by members of the family occupying the associated dwelling, with up to one additional employee, or full-time-equivalent, whose work on the site shall not exceed 40 hours per week.

The City Council notes that the LWV reasons given for including the phrase "or full-time-equivalent", based on Councilor Hervey's November 19, 2012, memorandum to the City Council are that a Market Garden is different from a Home Business, because it is seasonal and involves heavy labor (**Findings Attachment I**). Allowing one full-time-equivalent employee, allows multiple people to use portions of the 40-hour time limit of non-family employees. This results in job creation, and provides the Market Gardener with better options for securing additional help.

The Council finds the arguments for allowing one additional employee, or full-time-equivalent, as recommended by the LWV and proposed by Councilor Hervey persuasive. The Council finds that the proposed change is consistent with the criteria for a Text Amendment in LDC Section 1.2.80.01. The Council finds that the proposed change does not affect the reasons given in the September 10, 2012, Planning Commission Staff Report, as to why the proposed Market Garden use type and associated provisions in LDC Section 4.9.90.a.1 are consistent with the Comprehensive Plan and applicable Statewide Planning Goals (**City Council Staff Report, Exhibit A-138**). The City Council incorporates the findings in the September 10, 2012, Planning Commission Staff Report regarding consistency with applicable LDC, Comprehensive Plan policies, and Statewide Planning Goals.

#### Market Gardens - Temporary Stand Time Limit

The City Council notes that the Planning Commission received written testimony from the LWV dated September 18, 2012, recommending that temporary stands or kiosks used to sell Market Garden goods be permitted to remain open until dusk (**City Council Staff Report, Exhibit D-11**). The Council notes that testimony from Rebecca Landis, dated October 1, 2012, concurred with the LWV recommendation (**City Council Staff Report, Exhibit D-15**). The Council notes, that Staff proposed that temporary stands cease operations, and be removed from required yard areas by 7:00 PM each day. The Council notes that during the September 19, 2012, Planning Commission meeting, City Staff stated that a specific time by which stands must be closed was proposed in order to set a clear standard. The Council notes that the Planning Commission discussed changing the required closing time but recommended 7:00 PM to prevent disturbances to neighborhood children who may be trying to sleep during that time.

The City Council notes that Councilor Hervey submitted a memorandum to the City Council on November 19, 2012 recommending changing the time that temporary stands must be closed to 8:00 PM, as written in the following excerpt from 4.9.90.a.7 (**Findings Attachment I**) (bold is new time proposed by Councilor Hervey):

7. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard, and shall cease operations, by 8:00 PM each day. Stands and kiosks shall not be permitted in the public right-of-way.

Councilor Hervey argued that with the proposed Text Amendments, Market Gardens might become more prevalent, and that a 7:00 PM closing time might not give persons time to return home, eat dinner, and visit the Market Garden stand. Councilor Hervey also argued that an 8:00 PM closing time would also be appreciated by persons who would like street activity to be quiet by that time.

The City Council finds that it is important to have a specific closing time in order to effectively enforce the provisions in Section 4.9.90 - Urban Agriculture, subsection "a". The City Council finds Councilor Hervey's arguments persuasive, that an 8:00 PM closing time is appropriate. The Council finds that as approved, Section 4.9.90.a.7 requires all sales from temporary Market Garden stands and kiosks to cease by 8:00 PM, and be removed from required yard areas. The Council finds that LDC Section 4.9.90.a.7, as amended by City Council, establishing an 8:00 PM closing time for Market Garden kiosks is in the interest of the public convenience and welfare, and is consistent with the criterion for making a LDC Text Amendment in LDC Section 1.2.80.01.

The Council finds that the proposed change does not affect the reasons given in the September 10, 2012, Planning Commission Staff Report, as to why the proposed Market Garden use type and associated provisions in LDC Section 4.9.90.a.1 are consistent with the Comprehensive Plan and applicable Statewide Planning Goals (**City Council Staff Report, Exhibit A.138**). The City Council incorporates the findings in the September 10, 2012, Planning Commission Staff Report regarding consistency with applicable LDC, Comprehensive Plan policies, and Statewide Planning Goals.

#### Market Garden - Compatibility

The City Council notes that as proposed by Staff and recommended by the Planning Commission, the new provisions in Section 4.9.90.a.5 would state:

5. Noise, smoke, or odors do not exceed those created by normal residential use.

The City Council notes that in his November 19, 2012, memorandum to the City Council, Councilor Hervey proposes that the above text be modified as shown below (**Findings Attachment I**) (proposed text by Councilor Hervey is in bold):

5. Noise, smoke, or odors do not exceed those created by normal residential use, for more than 24 hours per year.

The Council notes that Councilor Hervey argues that as written, it would be difficult for gardeners to always comply with this provision because it is likely that on occasion a Market Garden would create noise, smoke, or odors that might exceed those created by normal residential use. The Council notes that "normal residential use" is not defined.

The Council finds that the modification proposed by Councilor Hervey adequately protects desired residential neighborhood characteristics, while giving some flexibility for Market Garden operations to occasionally, and for short durations, exceed the noise, smoke, and odor conditions that would occur at a typical residence. The Council finds that the modification proposed by Councilor Hervey is in the interest of the public convenience and welfare, consistent with LDC Section 1.2.80.01.

The Council finds that the proposed modification does not affect the reasons given in the September 10, 2012, Planning Commission Staff Report, as to why the proposed Market Garden use type and associated provisions in LDC Section 4.9.90.a.1 are consistent with the Comprehensive Plan and applicable Statewide Planning Goals **(City Council Staff Report, Exhibit A-137)**. The City Council incorporates the findings in the September 10, 2012, Planning Commission Staff Report regarding consistency with applicable LDC, Comprehensive Plan policies, and Statewide Planning Goals.

#### Community Garden - Temporary Stand Time Limit

The City Council notes that the proposed Text Amendments include a new Agricultural use type called Market Garden, and that Market Gardens would be governed by proposed regulations in LDC Chapter 4.9 - Additional Provisions. The Council notes that the regulations in LDC Chapter 4.9 - Additional Provisions, proposed by City Staff in the September 10, 2012, Planning Commission Staff report regarding Community Gardens are provided below:

#### **b. Community Gardens**

- 1. Gardens shall be at least 5-ft from all property lines.**
- 2. Items such as tools, equipment, and fuel, shall be stored within enclosed buildings or screened per Section 4.2.50.02 - Service Facilities and Outdoor Storage Areas.**
- 3. Sales and donation of products grown in the community garden may occur on-site. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard by 7:00 PM each day.**

The City Council notes that the Planning Commission received written testimony from the LWV dated September 18, 2012, recommending that temporary stands or kiosks used to sell Market Garden goods be permitted to remain open until dusk. The Council notes that testimony from Rebecca Landis, dated October 1, 2012, concurred with the September 19, 2012, LWV recommendation **(City Council Staff Report, Exhibits D-11, 15)**. The Council notes, that Staff proposed that temporary stands cease operations, and be removed from required yard areas by 7:00 PM each day. The Council notes that during the September 19, 2012, Planning Commission meeting, City Staff stated that a specific time by which stands must be closed was proposed in order to set a clear standard. The Council notes



that the Planning Commission discussed changing the required closing time but recommended 7:00 PM to prevent disturbances to neighborhood children who may be trying to sleep during that time (**City Council Staff Report, Exhibit B**). The Council notes that in written testimony dated November 5, 2012, the LWV recommended that Community Garden stands close by 9:00 PM.

The City Council notes that Councilor Hervey submitted a memorandum to the City Council on November 19, 2012, (**Findings Attachment I**) recommending changing the time that temporary stands must be closed to 8:00 PM, as written in the following excerpt from 4.9.90.b.3 (bold is revised time proposed by Councilor Hervey):

3. Sales and donation of products grown in the community garden may occur on-site. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard by **8:00 PM** each day.

The City Council notes that, Councilor Hervey argued that with the proposed Text Amendments, Market Gardens might become more prevalent, and that a 7:00 PM closing time might not give persons time to return home from work, eat dinner, and visit the Community Garden stand. Councilor Hervey also argued that an 8:00 PM closing time would also be appreciated by persons who would like street activity to be quiet by that time.

The City Council finds that, per LDC Section 1.2.80.01, it is in the interest of public convenience and welfare to establish a Community Garden Use type and regulate the use type through the provisions in LDC Section 4.9.90 - Urban Agriculture, as amended by Council. The Council finds that the Community Garden use type is consistent with the Comprehensive Plan and applicable Statewide Planning Goals, as explained in the September 10, 2012, Planning Commission Staff Report, and that these Comprehensive Plan policies and Statewide Goals are the same as those previously noted with respect to Gardens and Market Gardens.

The City Council finds that it is important to have a specific closing time in order to effectively enforce the provisions in Section 4.9.90 - Urban Agriculture, subsection "b". The City Council finds Councilor Hervey's arguments persuasive, that an 8:00 PM closing time is appropriate. The Council finds that as approved, Section 4.9.90.a.7 requires all sales from temporary Community Garden stands and kiosks to cease by 8:00 PM, and be removed from required yard areas. The Council finds that LDC Section 4.9.90.a.7, as amended by City Council, establishing an 8:00 PM closing time for Community Garden kiosks is in the interest of the public convenience and welfare, and is consistent with the criterion for making a LDC Text Amendment in LDC Section 1.2.80.01.

The Council finds that the proposed change does not affect the reasons given in the September 10, 2012, Planning Commission Staff Report, as to why the proposed Market Garden use type and associated provisions in LDC Section 4.9.90.a.1 are consistent with

the Comprehensive Plan and applicable Statewide Planning Goals (**City Council Staff Report, Exhibit A-138**). The City Council incorporates the findings in the September 10, 2012, Planning Commission Staff Report regarding consistency with applicable LDC, Comprehensive Plan policies, and Statewide Planning Goals.

#### Greenhouse Size

The City Council notes that one of the LDC Text Amendments proposed by Staff, and recommended for adoption by the Planning Commission, is to create a new Agricultural use type, called Garden. The Council notes that as recommended by the Planning Commission, Gardens would be permitted in all residential zones as primary uses permitted outright. The Council notes that new provisions were proposed by City Staff in LDC Section 4.3.40 regarding accessory structures on residentially zoned lots, where a Garden is the primary use type. The Council notes that City Staff proposed amending the LDC to include a new Section 4.3.40.c that stated:

c. When the primary use on a lot is a Garden, the combined square footage of all accessory structures shall not exceed 400 sq. ft.

The Council notes that Kirk Bailey gave testimony to the Planning Commission recommending that greenhouses should be allowed up to 800 sq. ft., and greenhouses larger than that should be permitted with a Planned Compatibility Review permit (**City Council Staff Report, Exhibit B**). Mr. Bailey argued that allowing larger greenhouses would support more intensive growing, and that even larger greenhouses would not impede urbanization goals of developing residential lots with dwelling units. The Council notes that, in response to Mr. Bailey's testimony, the Planning Commission recommended the new LDC Section 4.3.40.c be modified to read:

c. When the primary use on a lot is a Garden, the combined square footage of all accessory structures shall not exceed 600 sq. ft, and the cumulative maximum allowed square footage for all non-greenhouse structures is 200 sq. ft.

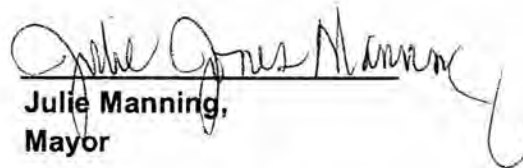
The Council notes that Mr. Bailey gave testimony regarding the same issue during the November 5, 2012, City Council hearing on the LDC Text Amendment application. In his testimony, Mr. Bailey expressed support for the Planning Commission recommendation, but also encouraged the Council to further modify it to allow larger greenhouses with Planned Compatibility Review permit approval. The Council notes that the City Council considered the testimony given by Mr. Bailey and asked questions of staff prompted by Mr. Bailey's testimony.

The Council notes that a motion was not made by any Councilor to modify the new text in LDC Section 4.3.40.c as proposed by Mr. Bailey. The Council notes that the text in Section 4.3.40.c only applies to accessory structures on a lot where a Garden is the primary use type. The Council finds that the revised text recommended by the Planning Commission

provides sufficient opportunity to use a greenhouse to support Garden activities on what would otherwise be an undeveloped lot. The Council finds that the provisions in LDC Section 4.3.40.c, as recommended by the Planning Commission, are consistent with applicable Comprehensive Plan policies and Statewide Planning goals as explained in the September 10, 2012, Planning Commission Staff Report. The referenced Comprehensive Plan Policies in the Staff Report are: 3.2.1, 9.2.55.6.10, and 8.7.5, and the referenced Statewide Planning Goal is Goal 8 - Recreational Needs.

#### SUMMARY OF CONCLUSIONS

The City Council finds that the proposed Legislative Amendment to the Land Development Code (LDT12-00001) is consistent with the applicable Land Development Code criteria, Comprehensive Plan policies, and Statewide Planning Goals. Accordingly, the Legislative Amendment to the Land Development Code (LDT12-00001) is APPROVED.

  
**Kathy Louie,**  
City Recorder  
**Julie Manning,**  
Mayor

**Date:** December 3, 2012

#### Findings Attachments:

- I. Memorandum to the City Council from Councilor Hervey, dated November 19, 2012.
- II. Memorandum to the City Council from Community Development Director, Ken Gibb, dated November 19, 2012.

RECEIVED

NOV 19 2012

CITY MANAGERS  
OFFICE

**Proposed Amendments to LDC changes for Monday November 19, 2012**

**Richard Hervey**

*All changes from staff proposed language are underlined.*

**Amend - Section 4.9.90 - Urban Agriculture**

**a. Market Gardens, item 1. to read:**

*"Market Garden activities shall be conducted by members of the family occupying the associated dwelling, with up to one additional employee, or full-time-equivalent, whose work on the site shall not exceed 40 hours per week."*

Explanation – I find the LOWV's argument persuasive and that it fits with my experience of Community Supported Agriculture operations, my closest allegory to market gardens. The league's argument was:

*"...A Market Garden is very different from most home businesses. It is seasonal and often involves heavy labor. While we appreciate staff's concerns, we believe allowing one FTE rather than one employee would result in job creation at a time when jobs are sorely needed and would provide the Market Gardener with a more realistic option for securing additional help."*

**Amend Section 4.9.90 - Urban Agriculture**

**a. Market Gardens, item 7 to read**

*Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard, and shall cease operations, by 8:00 PM each day. Stands and kiosks shall not be permitted in the public right-of-way.*

And

**Section 4.9.90- Urban Agriculture Standards**

**a. Community Gardens, item 3 to read:**

*"Sales and donation of products grown in the community garden may occur onsite. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard by 8:00 PM each day."*

Explanation – Staff's recommendation is 7:00 pm. The LOWV requests 9:00 pm. My local CSA has a open hours for summer pick up of 4 until 6, but finds that people keep coming by until 7:00. My hope is that when Market and Community Gardens become more prevalent, neighbors will use them to buy produce for either that night's meal or a meal later in the week. For that to happen, in many dual income families, the parents must come home, cook and eat supper, before going to the garden market. In that scenario, 7:00 pm feels like too tight of a time line. I pick 8:00 rather than the LOWV's 9:00 because many families put the children to bed at 8:30 or so and would appreciate quiet on the street by that time.

Amend

**Section 4.9.90- Urban Agriculture Standards**

**b. Market Gardens, item 5 to read:**

*Noise, smoke, or odors do not exceed those created by normal residential use, for more than 24 hours per year.*



Explanation – I concur with the intent as I understand it to be, namely to give notice that we are not approving degrading the quality of life of those living on neighboring properties. My concern is that as written, it seems impossible for the gardeners to comply. My hope is that by putting a time frame on the criteria, we send the intended message and provide some room in which the market gardener can maintain compliance.



## MEMORANDUM

To: Mayor and City Council

From: Ken Gibb, Community Development Director

Date: November 19, 2012

Subject: Proposed Amendments to Recommended Motions Regarding the 2012 Land Development Code Amendments (LDT12-00001)

The October 24, 2012, Staff Memorandum to City Council regarding the 2012 Land Development Code Amendments includes, on Page 16, five distinct recommended motions to adopt each of the five components of the code amendments package.

Based on public testimony received thus far, and in consideration of City Council questions concerning the proposed amendments, Staff propose that two of the recommended motions be amended, as follows: (we note that Councilor Hervey will present additional amendments in a separate proposal)

### **HOUSEKEEPING MOTION AMENDMENT**

Based on written testimony presented to the Mayor and City Council on November 5, 2012, prepared by Tony Howell, and related to Housekeeping Item # 6 which pertains to the clarification of the code's variable message sign standards, Staff recommend adopting Mr. Howell's proposed amendment to LDC Section 4.7.80.07.b, as part of the Housekeeping Items. Mr. Howell's proposal is excerpted below, for reference. Additionally, an amended recommended motion is included below:

#### **Proposed Amendment to LDC Section 4.7.80.07.b (as presented by Mr. Howell):**

Proposed revisions to the LDC are shown using a double-underline font for the new text, and a strikeout font for the deleted text.

*LDC Section 4.7.80.07.b:*

*b. The portion of signs that display time and temperature information are exempt from the interval of change limitation of Section 4.7.80.07.a above.*

### Recommended Motion for Housekeeping Items:

I move to approve the "Housekeeping" Land Development Code Text Amendments (Item II) as presented in the September 10, 2012, Planning Commission Staff Report. Additionally, I move to approve an amendment to LDC Section 4.7.80.07.b, to incorporate the proposal included in Tony Howell's testimony to City Council dated November 5, 2012, subject to the approval of formal findings and an ordinance.

### LOCAL FOOD PROVISIONS MOTION AMENDMENT

Staff propose modifying the recommended motion in the following ways:

#### Limited Manufacturing Definition

City staff proposed modifying the definition of the Limited Manufacturing use type to include the production and processing of food products. Testimony from the League of Women Voters (LOWV) to the Planning Commission recommended that the phrase "or direct sales off-site", be incorporated in the text as shown below. Staff concurred with the LOWV recommendation as shown in the October 1, 2012, memorandum to the Planning Commission, and the Planning Commission accepted the recommendation. The amended Limited Manufacturing use type definition as recommended by the Planning Commission reads (double underlined text is new, struck-out text is proposed to be deleted):

- a. ***Limited Manufacturing*** - Establishments that employ 20 or fewer persons per shift unless otherwise specified by the applicable zone, do not involve outside storage of materials, do not require state or federal air quality discharge permits (except for parking), are compatible with nearby Residential Uses because there are few or no offensive external effects, and are primarily engaged in one of the following:
1. *On-site production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales. Typical Uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; ~~or~~*
  2. *Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales; or*

3. On-site production or processing of food products. Food products may be finished or semi-finished and are generally made for the wholesale market, or transfer to other businesses, or direct retail sales off-site. On-site retail sale of goods shall be a subordinate part of total sales. Limited Manufacturing excludes the activities of slaughtering animals, and canning, rendering, tanning, and reduction of meat.

Limited Manufacturing - Office

During the November 5, 2012, City Council public hearing on the proposed Text Amendments, the Council noted that Tree, and Row and Field Crops were not proposed to be included as outright permitted uses in the Limited Industrial - Office zone, while they were proposed to be permitted as outright uses in the Limited Industrial, General Industrial, and Intensive Industrial zones. Staff recommend that Tree, and Row and Field Crops also be permitted outright in the Limited Industrial - Office zone.

Recommended Motion for Local Food Provisions Items:

I move to approve the "Local Food Provisions" Land Development Code Text Amendments (Item IV) as presented in the September 10, 2012, Planning Commission Staff Report, and as amended in the October 24, 2012, City Council Staff Report, with the following two additional amendments:

- 1) The LDC Chapter 3.0 - Use Classification definition of Limited Manufacturing shall be as written in the November 19, 2012, Staff memorandum to the City Council;
- 2) The Tree, and Row and Field Crops, use types shall be primary uses permitted outright in the Limited Industrial - Office zone.

This motion to approve is subject to the approval of formal findings and an ordinance.



# Exhibit B

## Land Development Code Amendments - Local Food Provisions

### Notes:

The attached, revised Land Development Code text represents revisions approved by the City Council associated with Local Food Provisions, as a component of LDT12-00001. The text includes highlighted language to show where a change has been made from the original text, as well as double-underline to show new text, and ~~strikeout~~, to show deleted text. Once finalized and incorporated into the Land Development Code, all such formatting will be removed.

The attached, revised Land Development Code text in this Exhibit B represents one of five packages of code amendments that are proposed for City Council approval. The other four packages consist of Infill Development Task Force items, Housekeeping items, Substantive Issues items, and Parking Requirements items, which will each be adopted by separate ordinance. The formatting of the proposed text assumes that all five packages will be adopted and implemented as shown. If changes to this text become necessary, due to appeal, remand, or for other reasons, necessary revisions will be reviewed and approved by the City Council at such time as they are needed.

**General Development Decision** - Development decision that requires some discretion in applying the criteria and standards of this Code. Requires review and approval by staff without a public hearing; public notice prior to the staff decision; and the mailing of a Notice of Disposition to persons who responded in writing to the public notice. Appeals are made in accordance with Chapter 2.19 - Appeals.

**Geographic Information System (GIS)** - System of hardware, software, and data storage that allows for the analysis and display of information that has been geographically referenced.

**Grade** - (1) Average elevation of the land; (2) the percent of rise or descent of a sloping surface. Usually described as Finished Grade or Natural Grade, and measured in feet above sea level. There is a distinction between percent of slope and degree of slope. For example, a forty-five degree slope is a 100 percent grade. See also Slope.

**Grade, Finished** - As shown in Figure 1.6-17 - Cut and Fill Cross Section, final elevation of the ground level after development.

**Grade, Natural** - As shown in Figure 1.6-17 - Cut and Fill Cross Section, elevation of the ground level in its natural state, before construction, filling, or excavation.

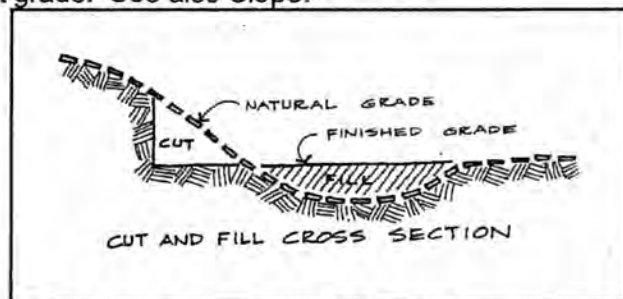


Figure 1.6-17 - Cut and Fill Cross Section

**Grading** - Stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

**Green Area** - Includes a site's landscaping, private preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, unenclosed patios, and decks. Does not include areas covered by buildings, covered structures enclosed on one or more sides, parking areas, or vehicle circulation areas.

**Greenhouse** - A glass- or clear plastic-enclosed structure designed to trap and hold heat to facilitate the growth of plants and out-of-season fruits and vegetables under protected conditions. A greenhouse is a permanent structure, not easily disassembled, and is distinct from a "hoop house" or other temporary or seasonal structure designed for a purpose similar to that of a greenhouse.

**Habitable Floor** - Floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination of these.

**Health Hazard Annexation** - Land use process that addresses health hazard situations and evaluates whether a property meets the criteria for incorporation into the City limits. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 2.6 - Annexations.

Residential Uses because there are few or no offensive external effects, and are primarily engaged in one of the following:

1. On-site production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales. Typical Uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; ~~or~~
2. Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales; or
3. On-site production or processing of food products. Food products may be finished or semi-finished and are generally made for the wholesale market, ~~or~~ transfer to other businesses, or direct retail sales off-site. On-site retail sale of goods shall be a subordinate part of total sales. Limited Manufacturing excludes the activities of slaughtering animals, and canning, rendering, tanning, and reduction of meat.

b. **Technological Production** - Research and development, production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical Uses include manufacturing research instruments, electronic products, and surgical and medical instruments. Excludes Uses that require state or federal air quality discharge permits (except for parking).

c. **General Industrial**

1. Uses -
  - a) Production, processing, assembling, packaging, or treatment of food and non-food products; or
  - b) Manufacturing and/or assembly of electronic instruments and equipment and electrical devices.



2. Attributes - General Industrial Uses may require state or federal air quality discharge permits, but do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:

- a) Continuous, frequent, or repetitive noises or vibrations;
- b) Noxious or toxic fumes, odors, or emissions;
- c) Electrical disturbances; or
- d) Night illumination into residential areas.

**Exceptions:** Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring fewer than 15 minutes per day; an odor detected for fewer than 15 minutes per day; or noise detectable only as part of a composite of sounds from various off-site sources.

- d. **Intensive Industrial** - Manufacturing, processing, or assembling of materials in a manner that would create any of the commonly recognized nuisance conditions or characteristics described above in the General Industrial Use Type classification.

#### **3.0.30.05 - Agricultural Use Types**

Agricultural Use Types include the on-site production of plant and animal products by agricultural methods. Also included is development that is Accessory to these Uses, as specified in Chapter 4.3 - Accessory Development Regulations.

- a. **Animal Husbandry** - Raising and breeding of livestock.
- b. **Animal Waste Processing** - Processing of animal waste and by-products, including animal manure, animal bedding waste, and similar by-products of animal husbandry operations, for use as a commercial fertilizer, soil amendment or compost.

~~c. **Aquaculture** - Aquacultural research and specialties.~~

- c. **Aquaculture** - The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled marine or freshwater environments, typically for research or commercial purposes.



- d. **Horticulture** - Horticultural and flora cultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes, or for the production of food producing plants, shrubs, or trees. The following are Horticulture Use Types:
1. Cultivation - Cultivation of plants.
  2. Storage - Storage of plants, primarily in containers.
- e. **Packing and Processing** - Packing or processing of agricultural crops, animals, and their by-products that entails more than picking, cutting, sorting, and boxing or crating. Excludes the activities of canning, rendering, tanning, or reduction of meat. The following are Packing and Processing Use Types:
1. Limited - Packing or processing of crops grown on the premises.
  2. General - Packing or processing of crops, animals, or their by-products regardless of where they were grown.
- f. **Row and Field Crops** - Cultivation of agricultural products grown in regular or scattered patterns. Crops include vines, field, forage, and other plant crops intended to provide food or fibers.
- g. **Tree Crops** - Cultivation ~~for personal use~~ of tree-grown agricultural products such as orchards for apples and cherries.
- h. **Garden** - A plot of ground, or other area such as on a rooftop, balcony, fence, wall, or window sill, that is used to grow food-producing or ornamental plants, shrubs, or trees. Gardens are intended for personal use or consumption, or for off-site sales. On-site sales of garden products are prohibited.
- i. **Market Garden** - Commercial production and processing of fruit, vegetables, flowers, and other plants, animal products, and honey. Market Gardens are only accessory uses to Residential Use Types, except in the OSU zone. The residential character of the associated dwelling shall be maintained and the activity conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The activity also does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- j. **Community Garden** - A plot of ground, or other area such as on a rooftop,

located on public or private land, and managed collectively by a group for the purpose of growing food-producing or ornamental plants. Community Gardens are only accessory uses to Civic Use Types, except in the OSU zone or as required in the RS-12 and RS-20 zones. Examples of community gardens include, but are not limited to, neighborhood gardens, school gardens, therapeutic gardens, demonstration gardens, and gardens operated on public lands. End products are typically consumed by those tending the garden, but may also be donated, or sold on or off-site.

#### **3.0.30.06 - Extractive Use Types**

Extractive Use Types include the on-site production of mineral products by extractive methods. Also included is development that is Accessory to these Uses as specified in Chapter 4.3 - Accessory Development Regulations.

**Mining and Processing** - Surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical Uses are borrow pits, oil and gas drilling rigs, and concrete batch plants.

*[Section 3.0.30 amended by Ordinance 2012-00x, effective December X, 2012]*

## **CHAPTER 3.1**

### **LOW DENSITY (RS-3.5) ZONE**

#### **Section 3.1.10 - PURPOSE**

This zone implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-3.5 Zone is retained to provide land use and development standards for areas of the City that were zoned RS-3.5 and platted to urban densities as of December 31, 2006. Additionally, the RS-3.5 Zone is retained for areas of the City that were zoned RS-3.5 as of December 31, 2006, and are less than or equal to one acre in size. No new areas shall be zoned RS-3.5 and no existing zones shall be changed to RS-3.5.

#### **Section 3.1.20 - PERMITTED USES**

##### **3.1.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright**

1. Residential Use Types - Family
2. Residential Building Types - Single Detached (one unit per lot or parcel)
3. Civic Use Types -
  - a) Community Recreation
  - b) Public Safety Services
4. Agricultural Use Types -
  - a) Garden

##### **b. Accessory Uses Permitted Outright**

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing

structures, subject to the standards in Chapter 4.9 - Additional Provisions.

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Garden
13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

#### **3.1.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions



- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Cultural Exhibits and Library Services
- d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Funeral and Interment Services - Interring and Cemeteries
- f. Lodges, Fraternal and Civic Assembly
- g. Major Services and Utilities
- h. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- i. Participant Sports and Recreation - Indoor and Outdoor
- j. Religious Assembly
- k. Schools

### 3.1.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review, and other applicable provisions of this Code.

- a. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- b. Development consistent with the development standards of the RS-5 Zone, provided adherence to the standards in Chapter 4.10 - Pedestrian Oriented Design Standards and provided that the Housing Types and land uses are consistent with the RS-3.5 Zone.

*[Section 3.1.20 amended by Ordinance 2012-00x, effective December X, 2012]*

### Section 3.1.30 - RS-3.5 DEVELOPMENT STANDARDS

**Table 3.1-1**

	Standard
a. Minimum Density	2 units per acre
b. Maximum Density	6 units per acre
c. Minimum Lot Area	8,000 sq. ft.
d. Minimum Average Lot Width	65 ft.

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services

4. Agricultural Use Types -

a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- 3. Essential Services
- 4. Day Care, Family, as defined in Chapter 1.6 - Definitions
- 5. Home Business, as defined in Chapter 1.6 - Definitions
- 6. Horticulture - personal use
- 7. Model Dwelling Units
- 8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
- 9. Required off-street parking for Uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
- 10. Sports and Recreation - personal use
- 11. Tree, Row, and Field Crops - personal use

12. Garden

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13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.

14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**3.2.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Cultural Exhibits and Library Services
- d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Funeral and Interment Services - Interring and Cemeteries
- f. Group Residential
- g. Group Residential/Group Care
- h. Lodges, Fraternal and Civic Assembly
- i. Major Services and Utilities
- j. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- k. Participant Sports and Recreation - Indoor and Outdoor

- l. Religious Assembly
- m. Residential Care Facilities
- n. Schools

### 3.2.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.2.20 amended by Ordinance 2012-00x, effective December X, 2012]*

### Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS

**Table 3.2-1**

	Standard
a. Minimum Density	2 units per acre for existing platted lots as of December 31, 2006; however, all new Residential Subdivisions and Planned Developments in this zone shall achieve a minimum density of 3 units per dwelling acre.
b. Maximum Density	6 units per acre
c. Minimum Lot Area	
1. Single Detached and Attached <u>(one unit only)</u>	6,000 sq. ft. <u>4,800 sq. ft. per unit</u>
2. <u>Single Detached and Attached (multiple units) and all other residential building type configurations</u> <del>Duplex (or other configuration of building types resulting in two units)</del>	<u>42,000 sq. ft.</u>
3. <del>Triplex (or other configuration of building types resulting in three units)</del>	



- b) Single Detached - Zero Lot Line
- c) Single Attached - Zero Lot Line, two units
- d) Attached - Townhouse, three to five units
- e) Duplex
- f) Multi-dwelling - Triplex and Fourplex only

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services

4. Agricultural Use Types -

- a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- 3. Essential Services
- 4. Day Care, Family, as defined in Chapter 1.6 - Definitions
- 5. Home Business, as defined in Chapter 1.6 - Definitions
- 6. Horticulture - personal use
- 7. Model Dwelling Units

8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Sports and Recreation - personal use
10. Tree, Row, and Field Crops - personal use
12. Garden
13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

#### **3.3.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Cultural Exhibits and Library Services
- d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Funeral and Interment Services - Interring and Cemeteries
- f. Group Residential - more than 12 persons
- g. Group Residential/Group Care - more than 12 persons
- h. Lodges, Fraternal and Civic Assembly

- i. Major Services and Utilities
- j. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- k. Participant Sports and Recreation - Indoor and Outdoor
- l. Religious Assembly
- m. Residential Care Facilities - more than 12 persons
- n. Schools

### **3.3.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.3.20 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.3.30 - RS-6 DEVELOPMENT STANDARDS**

**Table 3.3-1**

	<b>Standard</b>
<b>a.</b> Minimum Density	2 units per acre for existing platted lots as of December 31, 2006; however, all new Residential Subdivisions and Planned Developments in this zone shall achieve a minimum density of 4 dwelling units per acre.
<b>b.</b> Maximum Density	6 units per acre

- a) Single Detached
- b) Single Detached - Zero Lot Line
- c) Single Attached - Zero Lot Line, two units
- d) Attached - Townhouse, three to five units
- e) Duplex
- f) Manufactured Dwelling Park in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards
- g) Multi-dwelling - Triplex and Fourplex only
- h) North Campus Area only: Multi-dwellings (more than four units) existing prior to December 31, 2006 in accordance with Section 3.4.60 below

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services

4. Commercial Use Types -

Offices, as defined in Chapter 1.6 - Definitions, and existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.4.20.02 below.

5. Agricultural Use Types -

- a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions



2. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Garden
13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

#### **3.4.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Collocated/attached Wireless Telecommunication Facilities on

- b) Single Detached - Zero Lot Line
- c) Single Attached - Zero Lot Line, two units
- d) Attached - Townhouse, three to five units
- e) Duplex
- f) Multi-dwelling - Triplex and Fourplex only
- g) Multi-dwellings - more than four units, existing prior to December 31, 2006 in accordance with Section 3.5.60 below
- h) Manufactured Dwelling Facility in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services

4. Commercial Use Types - Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.5.20.02 below

5. Agricultural Use Types -

- a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Garden
13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

#### **3.5.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions

- g) Manufactured Dwelling Facility in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services
- d) Religious Assembly
- e) Social Service Facilities

4. Commercial Use Types -

- a) Commercial Use Types existing prior to December 31, 2006, along SW Fifth and SW Sixth streets, from SW Adams Avenue to Western Boulevard
- b) Lodging Services - Bed and Breakfast only
- c) Offices, as defined in Chapter 1.6 - Definitions, and existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.6.20.02, below

5. Agricultural Use Types -

- a) Garden

b. **Accessory Uses Permitted Outright**

- 1. Colocated/attached Wireless Telecommunication Facilities on Multi-family residential structures, with three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the



existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

#### **3.6.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- n. Participant Sports and Recreation - Indoor and Outdoor
- o. Schools

### 3.6.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.6.20 amended by Ordinance 2012-00x, effective December X, 2012]*

### Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

**Table 3.6-1**

	<b>Standard</b>
<b>a.</b> Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
<b>b.</b> Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
<b>c.</b> Minimum Lot Area	2,200 sq. ft. per dwelling unit
<b>d.</b> Minimum Lot Width	25 ft.

- d. The Common Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.6.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. ~~The~~ Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.
- f. Where more than one tot lot or community garden is required, the developer may provide individual tot lots and / or community gardens, or ~~may~~ combine them into larger playground or gardening areas.
- g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.

#### **3.6.50.04 - Option to Combine Private and Common Outdoor Space**

- a. The private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.
- b. The combined outdoor space may be covered, but it shall not be fully enclosed.

#### **3.6.50.05 - Outdoor Space Credits**

When a development site zoned RS-12 is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an Outdoor Space Credit, not to exceed

25 percent of the total outdoor space requirement pertaining to both Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

#### **3.6.50.06 - Location of Green Area**

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

- a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;
- b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.6.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.6.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominant purpose of the RS-12 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for Residential Use~~ should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type,



- f) Multi-dwelling
- g) Manufactured Dwelling Facility in accordance with Chapter 4.8  
- Manufactured Dwelling Facility Standards

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services
- d) Religious Assembly
- e) Social Service Facilities

4. Commercial Use Types -

- a) Professional and Administrative Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.7.20.02 below
- b) Lodging Services - Bed and Breakfast only

5. Agricultural Use Types -

- a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model dwelling units
8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

### **3.7.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 10 ft., subject to the standards in

Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.7.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.7.30 - RS-12(U) DEVELOPMENT STANDARDS**

**Table 3.7-1 - RS-12(U) Development Standards - Standards Option**

	Standard
a. Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c. Minimum Lot Area	2,200 sq. ft. per dwelling unit
d. Minimum Lot Width	25 ft.
e. Setbacks	
1. Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2. Rear yard and Side yards	5 ft. minimum <del>and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
Interior attached townhouses exempt from interior side yard setbacks.	
a) Single Detached	5 ft. minimum each side yard
b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side <sup>1</sup>
c) Duplex and Multi-Dwelling	10 ft. minimum each side
d) Abutting a more restrictive zone	10 ft. minimum
3. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street; and</del> Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also "k," and "l," below.	

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

- a. In addition to the Private Outdoor Space requirements of Section 3.7.50.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:
  - 1. Studio, one- and two-bedroom units: 200 sq. ft. per unit
  - 2. Three or more bedroom units: 300 sq. ft. per unit
- b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.
- c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.
- d. The Common Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.7.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. ~~The~~ Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.
- f. Where more than one tot lot or community garden is required, the developer may provide individual tot lots and / or community gardens, or ~~may~~ combine them into larger playground or gardening areas.
- g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.



multi-use paths;

- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.7.50 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.7.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominant purpose of the RS-12(U) Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for Residential Use~~ should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

#### **3.7.60.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006.

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

#### **3.7.60.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the Uses permitted in Section 3.7.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
  - 1. Providing factual data and information on the potential costs of using the structure for Residential Use compared to estimated potential rent or purchase prices for tenants or owners. Factual

3. Civic Use Types -

- a) Community Recreation
- b) Lodges, Fraternal and Civic Assembly
- c) Postal Services - Customer
- d) Public Safety Services
- e) Religious Assembly
- f) Schools
- g) Social Service Facilities

4. Commercial Use Types -

- a) Professional and Administrative Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.8.20.02 below
- b) Lodging Services - Bed and Breakfast only

5. Agricultural Use Types -

- a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model dwelling units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
15. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

### **3.8.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional

the users of the space.

- e. Private Outdoor Space may be considered as part of the 25 percent Green Area required under Section 3.8.50.01 if it is located on the ground. Upper-story balconies cannot be counted.

### **3.8.50.03 - Common Outdoor Space Per Dwelling Unit**

- a. In addition to the Private Outdoor Space requirements of Section 3.8.50.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:
  - 1. Studio, one- and two-bedroom units: 200 sq. ft. per unit
  - 2. Three or more bedroom units: 300 sq. ft. per unit
- b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.
- c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.
- d. The Common Outdoor Space may be considered as part of the 25 percent Green Area required under Section 3.8.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. ~~The~~ Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.
- f. Where more than one tot lot or community garden is required, the developer



may provide individual tot lots and / or community gardens, or ~~may~~ combine them into larger playground or gardening areas.

- g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.

#### **3.8.50.04 - Option to Combine Private and Common Outdoor Space**

- a. The Private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.
- b. The combined outdoor space may be covered, but it shall not be fully enclosed.

#### **3.8.50.05 - Outdoor Space Credits**

When an RS-20 development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an Outdoor Space Credit, not to exceed 25 percent of the total outdoor space requirement, including Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

#### **3.8.50.06 - Location of Green Area**

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

- a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;

- b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.8.50 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.8.60 - CONVERSION OF A UNIT TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES**

The predominant purpose of the RS-20 Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for Residential Use~~ should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

#### **3.8.60.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006.

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

#### **3.8.60.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in Section 3.8.20.01 without creating undue financial hardship for both tenants and

- g) Laundry Services
- h) Lodging Services - Bed & Breakfast only
- i) Professional and Administrative Offices
- j) Vocational or Professional Training - within buildings only

**5. Agricultural Use Types -**

**a) Garden**

**b. Accessory Uses Permitted Outright**

- 1. Essential Services
- 2. Home Business, as defined in Chapter 1.6 - Definitions
- 3. Day Care, Family, as defined in Chapter 1.6 - Definitions
- 4. Required off-street parking for Uses permitted in the zone, in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
- 5. Garden
- 6. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
- 17. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
- 5.8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

**3.9.30.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- e. Retail Sales - General
- f. Any other Use not specifically listed in Sections 3.9.30.01 through 3.9.30.03

[Section 3.9.30 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.9.40 - MUR ZONE DEVELOPMENT STANDARDS**

### **3.9.40.01 - Minimum/Maximum Residential Densities**

- a. Minimum residential densities for strictly residential development within an MUR Zone shall be 20 units per acre.
- b. Minimum residential densities for developments that include mixed uses within an MUR Zone shall be 12 units per acre. For these mixed use developments, if less than 20 units per acre are provided, the development shall include a minimum of 10 percent of the total gross floor area in nonresidential uses.
- c. No maximum residential densities are established for the MUR Zone. Building heights regulate maximum densities.

### **3.9.40.02 - Nonresidential Uses**

- a. Nonresidential uses in the MUR Zone shall not exceed a size of 3,000 sq. ft. of gross floor area per individual use and shall be limited to a maximum of 20 percent of the total gross floor area in the development site.
- b. Nonresidential uses shall be developed as part of a mixed use building that includes housing (with the exception of Civic Uses) and shall be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of two or more phases, each phase shall also meet this standard.

### **3.9.40.03 - MUR Development Standards**

**Table 3.9-1**

	<b>Standard</b>
<b>a.</b> Minimum Lot Area	None
<b>b.</b> Minimum Lot Width	None



4. Agricultural Use Types

a) Garden

**b. Accessory Uses Permitted Outright**

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions.
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Garden
13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

#### **3.10.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3- Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Cultural Exhibits and Library Services
- d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Funeral and Interment Services - Interring and Cemeteries
- f. Lodges, Fraternal and Civic Assembly
- g. Major Services and Utilities
- h. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- i. Participant Sports and Recreation - Indoor and Outdoor
- j. Religious Assembly
- k. Schools
- l. Spectator Sports and Entertainment - Limited and Other

#### **3.10.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review, and other applicable provisions of this Code.

- a. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- b. Development consistent with the development standards of the RS-5 Zone, provided adherence to the standards in Chapter 4.10 - Pedestrian Oriented Design Standards and provided that the Housing Types and land uses are consistent with the RS-3.5 Zone.

[Section 3.10.20 amended by Ordinance 2012-00x, effective December X, 2012]

### Section 3.10.30 - RS-1 DEVELOPMENT STANDARDS

**Table 3.10-1**

	Standard
a. Minimum Density	2 units per acre
b. Maximum Density	6 units per acre
c. Minimum Lot Area	8,000 sq. ft.
d. Minimum Average Lot Width	65 ft.
e. Minimum Setbacks <ol style="list-style-type: none"> <li>1. Front yard</li> <li>2. Rear yard</li> <li>3. Side yard (interior)</li> <li>4. Corner lot</li> </ol> <p>See also "k," and "l," below.</p>	<p>25 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft.</p> <p>25 ft.</p> <p>8 ft.</p> <p>20 ft. on side abutting street and vision clearance in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading and Access Requirements.</p>
f. Minimum Garage/Carport Setbacks <ol style="list-style-type: none"> <li>1. Garage/carport entrance parallel to street</li> <li>2. Garage/carport entrance sideways/perpendicular to the street</li> </ol> <p>See also "k," and "l," below.</p>	<p>19 ft.</p> <p>15 ft.</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

7. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
8. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
9. Garden
10. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

#### **3.11.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development, and all other applicable provisions of this Code.

- a. Animal Sales and Services
  1. Veterinary - Small Animals
  2. Grooming
- b. Major Services and Utilities
- c. Participant Sports and Recreation - Indoor
- d. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c of Chapter 4.9 - Additional Provisions
- f. Colocated/attached Wireless Telecommunication Facilities on multi-family



## **Section 3.11.30 - DEVELOPMENT STANDARDS**

### **3.11.30.01 - Dimensional Requirements**

Lot size permitted or authorized in this zone shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the zone.

### **3.11.30.02 - Setbacks**

Setbacks from lot lines abutting the following:

- a. Residential Zones - Shall be equal to the most restrictive setback required in the abutting subject yards. This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No parking or loading areas or driveways shall occupy the landscaped buffer area.
- b. Streets - Minimum of 15 ft. from all street rights-of-way.
- c. All Other Zones - None.
- d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Building Code.

### **3.11.30.03 - Height of Structures**

- a. Structures in the P-AO Zone shall not exceed a height of 45 ft., or three stories, whichever is less.
- b. Where the P-AO Zone abuts an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the height of structures within the P-AO Zone shall be limited to a maximum of 30 ft. in height (generally two stories) within the first 50 ft. of the property line; and a maximum of 45 ft. in height when more than 50 ft. from contiguous residentially zoned property.

### **3.11.30.04 - Lot Coverage**

Table 3.14-1 - Use Types			
<b>P = Use Types Permitted Outright</b> <b>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</b> <b>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</b> <b>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</b> <b>N = Not Permitted</b>			
Use Types		Permit Procedure	
		Minor NC	Major NC
3.	Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations	P/PC	P
4.	Day Care, Family, as defined in Chapter 1.6 - Definitions	P	P
5.	<u>Garden</u>	<u>P</u>	<u>P</u>
6.	<u>Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>	<u>P</u>
7.	<u>Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>	<u>P</u>
g.	Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 45 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements of Section 4.7.70.b of Chapter 4.7 - Sign Regulations.	N	PC

[Section 3.14.30 amended by Ordinance 2012-00x, effective December X, 2012]

stairways and lobbies are permitted on the ground floor adjacent to sidewalks.

t) Vocational or Professional Training

6. Industrial Use Types -

a) Limited Manufacturing

b) Technological Production

7. Parking Services - in accordance with this Chapter

**b. Accessory Uses Permitted Outright**

1. Essential Services

2. Day Care, Family - Accessory to a Permitted Residential Use

3. Home Business - when conducted in conjunction with a Permitted Residential Use

4. Off-street surface and/or structured parking - in accordance with this Chapter

5. Garden (Does not count toward FAR)

6. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions. (Does not count toward FAR)

7. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions. (Does not count toward FAR)

5-8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

**3.15.30.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development, and all other applicable provisions of this Code. Items allowable under Conditional Development include occupied towers or penthouses over 75 ft. high, per Section 3.15.40.02.

### **3.15.30.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 Plan Compatibility Review, and all other applicable provisions of this Code.

- a. Minor Utilities - as projections only, subject to standards in Chapter 4.9 - Additional Provisions.
- b. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.15.30 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.15.40 - DEVELOPMENT STANDARDS**

### **3.15.40.01 - Lot Area and Setback Requirements**

- a. The RF Zone has no minimum parcel area and no minimum setbacks, except as provided in "b," below, and as required for vision clearance, such as at parking structure entrances and intersections.
- b. A building's occupied space shall extend to the street along at least 75 percent of the property line at the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities that occupy 100 percent of the additional setback area. Enhanced pedestrian spaces and amenities consist of publicly accessed features including plazas, arcades, courtyards, lawns, outdoor cafes, widened sidewalks, benches, shelters, street furniture, or kiosks. Enhanced pedestrian spaces shall open to the sidewalk, include at least one adjoining entry into a building, and meet ground-floor development standards.



3. Home Business - when conducted in conjunction with a Permitted Residential Use
4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
8. Garden
9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
10. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

### **3.16.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Major Services and Utilities
- b. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the

setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

- d. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- e. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- f. Spectator Sports and Entertainment - Other - Uses not already Permitted Uses per Section 3.16.20.01.a.4.w.2.

### **3.16.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

- a. Drive-through Facilities - such as Financial Institutions, Eating Establishments, etc.
- b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- c. Projections such as chimneys, spires, domes, and towers flagpoles, not used for human occupancy exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- d. Freestanding Wireless Telecommunication Facilities up to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.16.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.16.30 - DEVELOPMENT STANDARDS**

**Table 3.19-1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
<p><b>c. Accessory Uses</b></p> <ol style="list-style-type: none"> <li>1. Essential Services - contained within enclosed building</li> <li>2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements</li> <li>3. Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations</li> <li>4. Home Business</li> <li>5. Day Care, Family, as defined in Chapter 1.6 - Definitions</li> <li>6. <u>Garden</u></li> <li>7. <u>Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u></li> </ol>	<p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center"><u>P</u></p> <p align="center"><u>P</u></p>		

**Table 3.19-1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
<u>8. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	P		
<b>d.</b> Projections such as chimneys, spires, domes, and towers not used for human occupancy exceeding 75 ft. in height, in accordance with Chapter 2.13 - Plan Compatibility Review, unless adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.	PC		
<b>e. Civic Use Types</b> 1. Administrative Services <sup>3</sup> 2. Community Recreation 3. Essential Services 4. Lodge, Fraternal, and Civic Assembly	P PC P	P	CD

<sup>3</sup> A Civic Use Type that may be considered as a Commercial Use for the purposes of calculating the minimum Floor Area Ratio (FAR) as required by Section 3.19.40.03, provided it occupies the ground floor area.



<p align="center"><b>Table 3.19-1</b>  <b>Permitted Use Types</b></p> <p><b>P = Use Types Permitted Outright</b>  <b>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</b>  <b>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</b>  <b>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</b>  <b>N = Not Permitted</b></p>			
<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
17. Funeral and Interment Services - Cremating and Undertaking	P		
18. Laundry	P		
19. Lodging Services - Hotels/Motels		P	CD
20. Medical Services		P	CD
21. Participant Sports and Recreation - Indoor		P	CD
22. Professional and Administrative Services - above ground floor only		P	PC
23. Repair Services - Consumer	P		
24. Research Sales and Services	P		
25. Retail Sales -15,000 sq. ft. maximum Use size		P	PC (15,000 sq. ft. max. Use size)
26. Spectator Sports and Entertainment - Limited		P	CD
27. Swap Meets		PC	CD
28. <del>Technical</del> <u>Technology and Support Services Center</u>		P	CD
<del>29. Telemarketing Center</del>		P	<del>CD</del>
<del>3029.</del> Temporary Outdoor Markets		PC	CD
<u>30. Vocational or Professional Training</u>		<u>P</u>	<u>CD</u>

[Section 3.19.30 amended by Ordinance 2012-00x, effective December X, 2012]

**Table 3.20 - 1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i><b>Use Types</b></i>	<i><b>Permit Procedure</b></i>
6. Fuel Sales	P
7. Funeral and Interment Services - Cremating and Undertaking	P
8. Laundry - industrial laundry and cleaning services only	P
9. Parking Lot Kiosk	P
10. Participant Sports and Recreation -	P
a) Indoor	
b) Outdoor	
11. Repair Services - Industrial or business related only	P
12. Lodging Services	
a) Hotel/Motel	N
b) Campgrounds	CD
<u>13. Vocational or Professional Training</u>	<u>P</u>
<del>13</del> 14. Wholesale, Storage, and Distribution	P
<b><u>d. Agricultural Use Types</u></b>	
<u>1. Horticulture - Cultivation, and Storage</u>	<u>P</u>
<b><u>d. e. Accessory Uses - contained within enclosed building</u></b>	
1. Day Care, Commercial Facility	P
2. Essential Services	P
3. Food and Beverage Retail Sales	P

**Table 3.20 - 1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i>Use Types</i>	<i>Permit Procedure</i>
4. Professional and Administrative Services	P
5. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P
6. One residence per development site developed simultaneously with or following development of Primary and Accessory Uses permitted outright.	P
7. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations	P
8. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations	PC
9. Day Care, Family, as defined in Chapter 1.6 - Definitions	P
<u>10. Garden</u>	<u>P</u>
<u>11. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>

## **Section 3.20.40 - DEVELOPMENT STANDARDS**

### **3.20.40.01 - Use and Building Size Limitations**

The maximum building footprint within the MUGC Zone is 55,000 sq. ft., which does not include outside storage associated with a Use. There are no minimum or maximum sq. ft. limitations for Uses in the MUGC Zone.

### **3.20.40.02 - Lot Area**

No minimum or maximum lot area standards are established in the MUGC Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this Zone.

### **3.20.40.03 - Setbacks**

- o **Front and Exterior Side Yard** - 10 ft. minimum and 25 ft. maximum setback. Buildings interior to a development site are exempt from this requirement provided other building(s) on the site meet the requirement. In no case shall parking facilities or circulation facilities, such as driveways and queues, be allowed between the building front and the street.
- o **Interior Side Yard** - 10 ft. minimum setback.
- o **Rear Yard** - 10 ft. minimum setback.

### **3.20.40.04 - Building Orientation**

- a. All new buildings shall comply with Section 3.20.40.10 - Pedestrian Oriented Design Standards, below.
- b. **Transit-oriented Development** - In addition to the requirements of "a," above, when a building is located within 100 ft. of an existing or planned transit stop or route, the building and at least one of its entrances shall be oriented to the transit stop or route. This criterion is met by facing the entrance toward the bus stop or route and providing a direct pedestrian connection between the bus stop or route and the entrance, in conformance



**Table 3.21-1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i>Use Types</i>	<i>Permit Procedure</i>
<b><u>g. Agricultural Use Types</u></b>	
<b><u>1. Horticulture - Cultivation, and Storage</u></b>	<u>P</u>
<b><u>g. h. Accessory Uses</u></b>	
1. Essential Services	P
2. Day Care, Family	P
3. Home Business - when conducted in conjunction with a Permitted Residential Use.	P
4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P
5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations	P
6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.	P
7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.	P

<p align="center"><b>Table 3.21-1</b>  <b>Permitted Use Types</b></p> <p><b>P = Use Types Permitted Outright</b>  <b>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</b>  <b>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</b>  <b>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</b>  <b>N = Not Permitted</b></p>	
<i><b>Use Types</b></i>	<i><b>Permit Procedure</b></i>
8. <u>Garden</u>	<u>P</u>
9. <u>Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>
10. <u>Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>

*[Section 3.21.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.21.40 - DEVELOPMENT STANDARDS FOR GENERAL AND INTENSIVE INDUSTRIAL USES**

- a. All General Industrial Uses shall conform to the development standards of the General Industrial Zone.
- b. All Intensive Industrial Uses shall conform to the development standards of the Intensive Industrial Zone unless specified otherwise.

#### **Section 3.21.50 - DEVELOPMENT STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES**

The following provisions identify development standards within the MUT Zone for all development of a Civic, Commercial, Limited Manufacturing, or Residential Use Type.

##### **3.21.50.01 - Minimum Lot Area and Setback Requirements**

<b>Table 3.22 - 1 - Permitted Use Types</b> <b>P = Use Types Permitted Outright</b> <b>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</b> <b>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</b> <b>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</b> <b>N = Not Permitted</b>	
<b>Use Types</b>	<b>Permit Procedure</b>
<u>12.</u> <u>Vocational or Professional Training</u>	<u>P</u>
<b>d.    Industrial Use Types</b>  1.    Limited Manufacturing - does not require a state or federal air quality discharge permit, but may include more than 20 employees per shift  2.    Technological Production	  P   P
<b>e.    <u>Agricultural Use Types</u></b>  <u>1.</u> <u>Row and Field Crops</u>  <u>2.</u> <u>Tree Crops</u>	  <u>P</u>  <u>P</u>

<p align="center"><b>Table 3.22 - 1 - Permitted Use Types</b></p> <p><b>P = Use Types Permitted Outright</b>  <b>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</b>  <b>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</b>  <b>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</b>  <b>N = Not Permitted</b></p>	
<b>Use Types</b>	<b>Permit Procedure</b>
<p><b><u>e. f.</u>    Accessory Use Types -<del>contained within enclosed building</del></b></p> <p>1.    Essential Services</p> <p>2.    Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements</p> <p>3.    Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations</p> <p>4.    <u>Postal Services</u> -</p> <p>        a)    Customer</p> <p>        b)    Retail</p> <p><u>5.    Garden</u></p> <p><u>6.    Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u></p>	<p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center"><u>P</u></p> <p align="center"><u>P</u></p>
<p><b><u>f.g.</u></b>    Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations</p>	<p>PC</p>



## **Section 3.22.40 - LI-O DEVELOPMENT STANDARDS**

### **3.22.40.01 - Lot Area**

No minimum or maximum lot area standards are established for the LI-O Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this Zone.

### **3.22.40.02 - Setbacks**

- a. **Front Yard and Exterior Side Yard** - 25 ft. minimum and 40 ft. maximum setback. Through the procedures identified in Section 3.22.40.08.c, an exception of up to 100 percent of the maximum setback may be granted for Industrial Use Types with certain characteristics and that are located along a Gateway Street.
- b. **Interior Side Yard** - 25 ft. minimum setback.
- c. **Rear Yard** - 25 ft. minimum setback.

### **3.22.40.03 - Gateway Standards**

Standards in Section 4.2.70 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall apply to development along a Gateway Street, as designated by the Comprehensive Plan.

### **3.22.40.04 - General Landscaping Standards**

All developments shall conform to the requirements of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, the following standards shall apply to developments in the LI-O Zone:

- a. **Landscaping Between LI-O Zone and Other Zones** - Landscaping and screening shall be required between property zoned LI-O and other zones, and shall consist of a combination of ground cover, shrubbery, and trees and fences and/or walls in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, when a site abuts a residential or mixed use zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the parcel

f) Vocational or Professional Training - 20 or fewer employees per shift

eg) Wholesaling, Storage, and Distribution - Light

3. Industrial Use Type -

Limited Manufacturing - 20 or fewer employees per shift and does not require a state or federal air quality discharge permit, except for parking

4. Agricultural Use Types -

a) Horticulture

1) Cultivation

2) Storage

b) Packing and Processing - Limited

c) Row and Field Crops

d) Tree Crops

**b. Accessory Uses Permitted Outright**

1. Essential Services

2. One residence per development site - developed simultaneously with or following development of Primary and Accessory Uses permitted outright.

3. Required off-street parking for Uses permitted in the Zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

4. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.

5. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not

increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

6. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

7. Garden

8. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

### **3.23.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.

- a. Limited Manufacturing - more than 20 employees per shift or requiring a state or federal air quality discharge permit, except for parking.
- b. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- d. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- e. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- f. ~~Technical Technology and Support Services Center~~ - more than 20 employees per shift.
- ~~g. Telemarketing Center - more than 20 employees per shift.~~
- g. Vocational or Professional Training - more than 20 employees per shift.

### **3.23.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

- a. Any lot with more than one accessway 24 ft. or wider.
- b. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions.
- c. Projections such as chimneys, spires, domes and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions, unless adjacent to an RS-1, RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.23.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.23.30 - DEVELOPMENT STANDARDS**

### **3.23.30.01 - Lot Area**

Lots shall be adequate to fulfill applicable Code requirements and standards of this Zone.

### **3.23.30.02 - Setbacks**

#### **a. Boundary Area -**

- 1. A setback of not less than 25 ft. shall be provided along each LI Zone boundary line abutting any Residential, Agriculture-Open Space, or



- b) Limited Manufacturing
- c) Technological Production

4. Agricultural Use Types -

- a) Row and Field Crops
- b) Tree Crops
- c) Horticulture - Cultivation, and Storage

**b. Accessory Uses Permitted Outright**

- 1. Essential Services
- 2. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.
- 3. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.
- 4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.
- 5. Garden
- 6. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**3.24.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.

- a. Automotive and Equipment - Sales/Rentals, Light Equipment to be reviewed in accordance with Section 3.24.30.07 below.

- b. Freestanding Wireless Telecommunication Facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- d. Colocated/attached Wireless Telecommunication Facilities that increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.24.20.03 -General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

- a. Explosive or Fuel Storage
- b. Major Services and Utilities
- c. Projections such as chimneys, spires, domes, and towers, not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles subject to requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations

[Section 3.24.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.24.30 - DEVELOPMENT STANDARDS**

### **3.24.30.01 - Lot Area**

Lots shall be adequate to fulfill applicable Code requirements and minimum standards of this Zone.

### **3.24.30.02 - Setbacks**

#### **a. Boundary Area -**

- 1. A setback of not less than 100 ft. shall be provided from any residential, Agriculture-Open Space, or Willamette River Greenway property line. Off-street parking and loading shall be permitted in this

4. Agricultural Use Types -
  - a) Animal Waste Processing
  - b) Row and Field Crops
  - c) Tree Crops
  - d) Horticulture - Cultivation, and Storage

**b. Accessory Uses Permitted Outright**

1. Essential Services
2. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.
3. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.
4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.
5. Garden
6. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**3.25.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.

- a. Intensive Industrial Uses
- b. Established Intensive Industrial Uses, when either one of the following occurs:

1. A change in operation or increase in production creates the need to secure approval from an environmental permitting agency to increase air, water, or noise emissions unless such emission levels were approved by the City through a previous land use process; or
  2. Specific limits or conditions related to operations, physical expansion, etc. established by a previous land use approval are exceeded.
- c. Freestanding Wireless Telecommunication Facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
  - d. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
  - e. Colocated/attached Wireless Telecommunication Facilities that increase the height of the existing structures by more than 20 ft, subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.25.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

- a. Explosive or Fuel Storage
- b. Projections such as chimneys, spires, domes, and towers, not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-1, RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations

*[Section 3.25.20 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 3.25.30 DEVELOPMENT STANDARDS**

### **3.25.30.01 - Lot Area**



**b. Accessory Uses Permitted** - In accordance with Chapter 2.13 - Plan Compatibility Review.

1. Essential Services
2. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.
3. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
5. Garden
6. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**3.26.30.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- b. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- c. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including

mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- d. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.26.30.03 - General Development**

Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

- a. Major Services and Utilities
- b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- c. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations
- d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.26.30 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 3.26.40 - DEVELOPMENT STANDARDS**

The Conceptual Development Plan for the entire RTC site shall comply with the standards listed below. When the Planning Commission reviews a proposed Conceptual Development Plan for the entire RTC site, it shall also ensure that the plan limits the Uses specified in Section 3.26.30.01.a.3 to 20 percent or less of the gross floor area of the development site.

The purpose of special limitations regarding the Uses in Section 3.26.30.01.a.3 is to ensure that the proposed Use or Uses will serve the shopping and service needs primarily of employees and businesses of the Uses in the RTC site. Building Permits for these Commercial Uses shall be approved only when subordinate to other existing RTC development. Permits for these subordinate Uses shall be issued concurrent with or

- c) General Industrial Uses that do not result in the following nuisance conditions detectable from the boundaries of the subject property. Nuisance conditions can result from any of the conditions in "1," through "4," below, except as allowed in "5," below.

- 1) Continuous, frequent, or repetitive noises or vibrations;
- 2) Noxious or toxic fumes, odors, or emissions;
- 3) Electrical disturbances; or
- 4) Night illumination into residential areas.

- 5) Exceptions - Exceptions to conditions in "1," through "4," above, include:

- a. Noise and vibrations from temporary construction;
- b. Noise from vehicles or trains entering or leaving the site;
- c. Noise and vibrations occurring less than 15 minutes per day;
- d. An odor detected for less than 15 minutes per day; and
- e. Noise detectable only as part of a composite of sounds from various off-site sources.

6. Agricultural Use Types -

a) Horticulture - Cultivation, and Storage

**b. Accessory Uses Permitted Outright**

1. Essential Services
2. Day Care, Family

3. Home Business - when conducted in conjunction with a Permitted Residential Use
4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
8. Garden
9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
10. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

### **3.27.30.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code. Additionally, Commercial Use Types with an asterisk (\*) may be considered as Industrial Uses for the purposes of calculating minimum Floor Area Ratios (FARs) as required by Section 3.27.40.01 and as addressed in Section 3.27.30.03.d, because they are Uses that are also classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones.



mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- ml.** Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.27.30.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

- a.** Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- b.** Transit Facilities
- c.** Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 55 ft. in height - unless the height limit for the subject property is 75 ft. per Section 3.27.40.03, in which case the threshold is 75 ft., in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements of Section 4.7.70.b.
- d.** Non-industrial Uses that exceed the square footage of Industrial Uses. Note: Commercial Use Types listed in Section 3.27.30.01.a.4 and classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones may be considered as Industrial Uses for the purposes of calculating these square footages.
- e.** Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

[Section 3.27.30 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 3.27.40 - DEVELOPMENT STANDARDS**

The following provisions identify development standards within the MUE Zone.

#### **3.27.40.01 - Preservation of Industrial Land Supply**

- 6) Retail Sales - University;
- 7) Spectator Sports and Entertainment; and
- 8) Participant Sports and Recreation.
- 9) Industrial Use Types - Industrial Use Types considered to be University Services and Facilities include, but are not limited to:
  - a. Technological Production;
  - b. Limited Manufacturing; and
  - c. Other Industrial Uses customarily associated with Research Services.
- i) Freestanding Wireless Telecommunications Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

4. Agricultural Use Types - all Agricultural Use Types

**b. Accessory Uses Permitted Outright for University-owned Properties**

- 1. Essential Services
- 2. Family Day Care, as defined in Chapter 1.6 - Definitions
- 3. Home Business, as defined in Chapter 1.6 - Definitions
- 4. Major Services and Utilities
- 5. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions
- 6. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
- 7. Collocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories, and that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
- 8. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting,

or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

9. Garden

10. Market Garden - subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

11. Community Garden – subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**c. Privately Owned Parcels within the OSU Zone -**

1. Seven privately owned parcels developed as single- and multi-family residential uses are within the OSU Zone. These parcels are listed in Table 3.36-1 - Privately Owned Parcels, below.

<b>Table 3.36-1: Privately Owned Parcels</b>			
<b>Parcel</b>	<b>Street Address</b>	<b>Sector</b>	<b>Current Use</b>
12503AA06500	633 SW 17th Street	G	Multi-family Residential
12503AA06400	645 SW 17th Street	G	Multi-family Residential
12503AA50800	1563 SW 'A' Street	G	Single-family Residential.
12503AA06300	636 SW 16th Street	G	Single-family Residential
12503AC00100	1820 Stadium Ave.	G	Single-family Residential
11535CC01100	136 SW 9th Street	D	Multi-family Residential
115340000200	200-510 SW 35th Street	A	N/A

2. The parcels in Table 3.36-1 - Privately Owned Parcels, may be developed as:
  - a) Uses consistent with the University Services and Facilities Use Type in accordance with Section 3.0.30.02.n; or
  - b) Residential Uses in accordance Section 3.36.60, below.

**3.36.20.02 – Conditional Development**

The following Uses are subject to review in accordance with Chapter 2.3 - Conditional Development, the provisions of this Chapter, and all other applicable provisions of this Code.

- a. Uses that require a state or federal air quality discharge permit (except for parking);

- d) Within one year of adoption of the CMP, and on a recurrent two-year schedule, OSU shall complete in coordination with City Staff a baseline traffic count for Jackson Avenue between Arnold Way and 35<sup>th</sup> Street. City staff shall provide OSU and the neighborhood association with the most recent baseline traffic volume measurements made within the last five years.

**b. Additional monitoring efforts include:**

- 1. Within one year of adoption of the CMP, OSU should work with the City to perform a baseline traffic count of local streets identified by neighborhood associations as problems in the areas bordering Sectors A, B, and C, and south of Harrison Boulevard; and
- 2. OSU shall participate as a full partner in a task force initiated by the City with City, University, neighborhood association and neighborhood business representation, to review and evaluate existing baseline traffic measurements, parking studies, and other relevant information and develop strategies to mitigate problem areas.



## **CHAPTER 3.37**

### **AGRICULTURE-OPEN SPACE (AG-OS) ZONE**

#### **Section 3.37.10 - PURPOSE**

This Zone is intended to implement the Open Space - Agriculture Comprehensive Plan Map designation and recognize areas within the City suitable for Agricultural Research Use and for Uses compatible with Agricultural and Horticultural Research Use Types. The characteristics of such Use Types typically result in preservation of large open space areas. Residential Uses are Accessory to the Primary Uses.

#### **Section 3.37.20 - PERMITTED USES**

##### **3.37.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright -**

1. Civic Use Types - Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
2. Agriculture Use Types -
  - a) Animal Husbandry
  - b) Aquaculture
  - c) Horticulture, Cultivation, and Storage
  - d) Research Facilities and Services - related to the Use Types in "a," through "c," above
  - e) Row and Field Crops
  - f) Tree Crops
  - g) Garden
  - h) Community Garden – subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**b. Accessory Uses Permitted Outright**

1. Animal Sales and Services - Veterinary
2. Animal Waste Processing
3. Packing and Processing - Limited
4. Essential Services
5. Required off-street parking for Uses permitted in this Zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
6. Other development customarily incidental to the Primary Use and in accordance with Chapter 4.3 - Accessory Development Regulations
7. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
8. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
9. Garden

**3.37.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development.

**a. Commercial Use Types -**

6. Barns;
7. Kennels for dog and cat keeping;
8. Gazebos;
9. Solar and wind energy systems, including solar collectors, storage facilities, distribution components, and wind generation devices; and
10. Other necessary and customary developments as determined by the Director in accordance with Section 4.3.20 above and Chapter 2.16 - Request for Interpretation.

**c.** When the primary use on a lot is a Garden, the combined square footage of all accessory structures shall not exceed 600 sq. ft, and the cumulative maximum allowed square footage for all non-greenhouse structures is 200 sq. ft.

*[Section 4.3.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.3.50 - CIVIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, OR EXTRACTIVE USE TYPES**

Accessory development customarily associated with, and subordinate to, the Primary Civic, Commercial, Industrial, Agricultural, or Extractive Use Types shall be permitted where these Use Types are authorized.

##### **Industrial and Agriculture/Open Space Zones**

- a. A single dwelling unit shall be permitted in Industrial zones and the Agricultural/Open Space Zone, provided that the Uses are for the following:**
  1. Caretaker or Superintendent - On a lot or building site with a Permitted Industrial Use and occupied exclusively by a caretaker or superintendent of such Industrial Use and his/her family;
  2. Farm Owner or Operator - On a lot or building site having a net area of at least five acres being farmed and occupied exclusively by the owner or operator and his/her family;
  3. Kennel Owner or Operator - On a lot or building site with a kennel, and occupied by the owner or operator; or

## **Section 4.9.90 - Urban Agriculture Standards**

### **a. Market Gardens**

1. Market Garden activities shall be conducted by members of the family occupying the associated dwelling, with up to one additional employee, or full-time-equivalent, whose work on the site shall not exceed 40 hours per work week.
2. No display shall indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling, except that signage consistent with Section 4.7.90.01 of Chapter 4.7 - Sign Regulations is allowed.
3. The amount of commercial activity is less intensive than activities permitted in a commercial zone.
4. The use will not cause excessive or unusual traffic in the vicinity because of deliveries, pick-ups, parking, sales, or other activities.
5. Noise, smoke, or odors do not exceed those created by normal residential use, for more than 24 hours per year.
6. Retail activities shall occur only within the home, garage, permanent outbuildings, or stands or kiosks as described in "7", below.
7. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard, and shall cease operations, by 8:00 PM each day. Stands and kiosks shall not be permitted in the public right-of-way.

### **b. Community Gardens**

1. Gardens shall be at least 5-ft from all property lines.
2. Items such as tools, equipment, and fuel, shall be stored within enclosed buildings or screened per Section 4.2.50.02 - Service Facilities and Outdoor Storage Areas.
3. Sales and donation of products grown in the community garden may occur on-site. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard by 8:00 PM each day.



*[Section 4.9.90 added by Ordinance 2012-00x, effective December X, 2012]*

**ORDINANCE 2012-20**

**AN ORDINANCE AMENDING THE CORVALLIS LAND DEVELOPMENT CODE, MODIFYING ORDINANCE 93-20, AS AMENDED, TO REVISE PROVISIONS AFFECTING DEVELOPMENT CONSISTENT WITH THE CATEGORY OF VEHICLE PARKING STANDARDS (LDT12-00001)**

AN ORDINANCE relating to a Legislative Amendment to the Land Development Code (LDT12-00001), modifying Ordinance 93-20, as amended.

Whereas, the Planning Commission, after holding duly advertised public hearings on September 19, 2012, and October 3, 2012, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Land Development Code;

Whereas, on October 3, 2012, the Planning Commission recommended that the City Council approve the request to amend some Land Development Code provisions affecting development consistent with the category of vehicle parking standards;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code on November 5, 2012, and interested persons and the general public were given an opportunity to be heard;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on November 19, 2012, met to deliberate on the matter, and made a preliminary decision to approve the vehicle parking standards, subject to adoption of formal findings;

Whereas, findings of fact have been prepared and consist of the formal findings attached hereto as Exhibit A and the final version of this Amendment, attached hereto as Exhibit B;

Whereas, said findings are by reference incorporated herein and are hereby adopted by the City Council;

Whereas, the City Council finds that the burden of proof has been met;

Whereas, the City Council finds that the public necessity, convenience, and general welfare require such Amendment; and

Whereas, the City Council finds that the proposal conforms with the Corvallis Comprehensive Plan and other applicable policies;

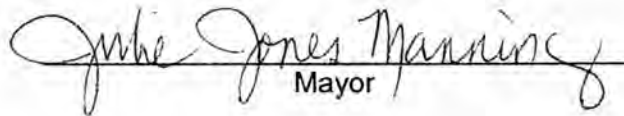
NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

**Section 1.** The Land Development Code is amended as shown by the provisions contained in Exhibits A and B.

PASSED by the Council this 3rd Day of December, 2012.

APPROVED by the Mayor this 3rd Day of December, 2012.

Effective the 13th Day of December, 2012.

  
Mayor

ATTEST:

  
City Recorder

# EXHIBIT A

## Parking Standards

BEFORE THE CITY COUNCIL  
OF THE CITY OF CORVALLIS

In the Matter of the City Council decision to approve a	)	
Legislative Amendment to the Land Development Code	)	LDT12-00001
(LDC) as proposed by the Council in Ordinance 2012-__,	)	
which will change the LDC and implement the proposed	)	FINDINGS AND
changes.	)	CONCLUSIONS

### INTRODUCTION

The matter before the City Council is:

A decision regarding a Legislative Amendment to the Land Development Code to amend several Land Development Code provisions affecting development throughout the City of Corvallis.

The applicant for this case is the City of Corvallis. In accordance with Land Development Code Section 1.2.80.02, the City Council initiated this Legislative Amendment to the Land Development Code on August 20, 2012. In accordance with Land Development Code Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment to the Land Development Code on September 19 and October 3, 2012. The Planning Commission forwarded its recommendation for approval to the City Council.

In accordance with Land Development Code Section 1.2.80.03, the City Council held a duly-advertised public hearing on November 5, 2012, to consider this Legislative Text Amendment to the Land Development Code. On November 19, 2012, the City Council deliberated on the Legislative Text Amendment.

The members of the City Council voted to APPROVE the Legislative Amendment to the Land Development Code as recommended by the Planning Commission, subject to review and approval of these findings, and subject to the changes reflected in Exhibit B of this implementing Ordinance 2012-\_\_, adopted December 3, 2012.

Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions address relevant Comprehensive Plan Policies, Land Development Code sections, and Oregon Statewide Planning Goals.



## **APPLICABLE CRITERIA**

All applicable legal criteria governing review of this application are identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits.

## **FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE**

### **1. Background and City Council Goals for the Legislative Amendment to the Land Development Code (LDT12-00001) -**

The Council notes that in April of 2011, the City Council approved a bi-annual work program for the Planning Division after receiving public input and in consultation with the Planning Commission. The Council notes that at the time the work program was approved, Council Goals had not been established, but it was anticipated that several goals under consideration would result in a major staff role for Community Development, and therefore would impact planning work program priorities. The Council notes that as it turned out, three of the four Council Goals relate directly to work of the Community Development Department, including strengthening access to and availability of locally produced food; acting on recommendations of the Economic Development Commission; and working with OSU staff to seize opportunities on parking, code enforcement, infill design, rental code, traffic design, and other important issues. The fourth Council Goal, a sustainable City budget, was not within the purview of the Community Development Department.

The Council notes that in order to address two of the City Council goals, two items were added to the code amendment package that was identified as a high priority for the Planning Division's bi-annual work program. Firstly, a package of code amendments were included to facilitate the provision of "local food" in the community. Secondly, a placeholder item was reserved for any code-related "quick action items" from the City/OSU Collaboration Project. The Council notes that one "quick action item" was proposed, which was a recommendation by the City/OSU Collaboration Steering Committee to revise parking requirements for some types of four- and five-bedroom dwelling units. The Council notes that the Planning Commission endorsed the inclusion of these items in the package of 2012 code amendments.

The Council notes that on June 18<sup>th</sup>, a work session was held with the City Council regarding the 2012 code amendments. The Council notes that the City Council endorsed moving forward with the package of code amendments that was recommended by the Planning Commission. The Council notes that staff then began preparing specific language for the Land Development Code amendments, to be considered by the Planning Commission and City Council through the process required for such amendments. The

Council notes that on August 20, 2012, the City Council voted to initiate the process to consider the proposed package of 2012 Land Development Code Amendments.

The Council notes that the Planning Commission held a public hearing on September 19, 2012, and held the hearing open until October 3, 2012, to consider the package of code amendments (minutes of the meetings are included as **Exhibit B** of the Council Staff Report). The Council notes that after hearing testimony and deliberating, the Planning Commission decided to recommend that the City Council consider and approve the code amendments, with a few revisions proposed by the Planning Commission. The Council notes that the City Council staff report describes the changes recommended by the Planning Commission. The Council notes that **Exhibit E** of the City Council staff report summarizes all proposed code amendments, as well as describing the changes recommended by the Planning Commission. The Council notes that the Planning Commission did not recommend any changes to the proposed amendments to parking requirements.

The Council notes that testimony was heard regarding the proposed amendments to parking requirements by the Planning Commission and City Council, as reflected in the September 19, and October 3, 2012, Planning Commission minutes, and in the November 5, 2012, City Council minutes. The Council notes that testimony was presented both in favor and in opposition to the proposed amendments to parking requirements. The Council notes that where the Planning Commission did not recommend changes, complete Staff analysis of each code amendment may be found in the September 10, 2012, Staff Report to the Planning Commission, which is included as **Exhibit A** of the City Council staff report.

#### **Conclusions on Background and Text Amendment Goals**

The Council finds that the proposed Legislative Amendment to amend parking requirements in the Land Development Code achieves the goals articulated by the Council. The Council finds that in achieving these goals, the Legislative Amendment to the Land Development Code is in the interest of public necessity, convenience, and general welfare, as required by LDC Section 1.2.80.01.

#### **2. Adequacy of the Public Record -**

The Council notes that the Legislative LDC Text Amendment affects Land Development Code Section 4.1.30.a.

The Council notes that the Land Development Code identifies procedures for Legislative Amendments to the Land Development Code in Chapter 1.2, which states that such Amendments must be initiated by a majority vote of the Planning Commission or the City Council. The Council notes that in accordance with Land Development Code Section

1.2.80.02, the City Council initiated this Legislative LDC Text Amendment on August 20, 2012.

The Council notes that the applicant for this case is the City of Corvallis and that, in accordance with Land Development Code Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative LDC Text Amendment at two meetings on September 19, and October 3, 2012. The Council notes that the notice for this public hearing was duly published on September 7, 2012. The Council notes that the Planning Commission forwarded its recommendation for approval to the City Council.

The Council notes that in accordance with Land Development Code Section 1.2.80.03, the City Council duly advertised a public hearing to consider this Legislative LDC Text Amendment and that the notice was duly published on October 22, 2012. The Council notes that this public hearing was held on November 5, 2012. The Council notes that on November 19, 2012 the City Council deliberated on the Legislative LDC Text Amendment, and adopted it as proposed.

The Council notes that after deliberating, it approved the Legislative LDC Text Amendment, subject to approval of formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative LDC Text Amendment, which were identified in the Staff Report to the City Council dated October 24, 2012, and its attached Exhibits. The Council notes that in reaching its decision it also considered the Planning Commission recommendation, the information and analysis presented by Staff, and all public testimony.

#### **Conclusions on Adequacy of the Public Record**

The Council finds that there was ample opportunity for the public to testify, the process for developing and reviewing the Legislative LDC Text Amendment conformed to local and state land use requirements, and the record contains all information needed to evaluate the application for compliance with the applicable criteria.

The City Council accepts and adopts findings contained in the September 10, 2012, Staff Report to the Planning Commission, the Planning Commission findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Commission's September 19, 2012, public hearing, and October 3, 2012, deliberations, the October 24, 2012, Staff Report to the City Council, and the findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Council's November 5, 2012, public hearing and November 19, 2012, deliberations. These findings shall be referred to as the "Incorporated Findings," and are to be considered along with the "Supplemental Findings" contained within this document.

### **3. Specific Findings Regarding Parking Standards -**



The Council notes that the actual text changes involved in the proposed Legislative Amendment to the Land Development Code are as shown in the attached **Exhibit B**. The Council notes new text is indicated with double underline font and deleted text is shown with ~~strike-out~~ font.

The Council notes that on September 19, and October 3, 2012, the Planning Commission received testimony regarding the proposed amendments to parking requirements from Kirk Bailey, Tony Howell, Jon Polansky, Jeff Hess, and Rochelle Murphy. The Council notes that on November 5, 2012, the City Council received testimony regarding the proposed amendments to parking requirements from Courtney Cloyd, Kirk Bailey, Tony Howell, Sherri Johnson, Mike Moore, Larry Hellesto, Jeff Hess, Kathy Barnes, Alan Gustafson, and Terry Leavitt. The Council notes that Kirk Bailey, Tony Howell, Jon Polansky, Jeff Hess, Courtney Cloyd, and Sherri Johnson generally spoke in support of the proposed amendments to parking requirements. However, the Council notes that the following concerns were expressed by persons testifying in opposition to the proposed amendments to parking requirements:

1. That the proposed parking changes will not improve the parking situation around the OSU campus;
2. That the proposed parking changes are not consistent with the City's 2020 Vision Statement or the Comprehensive Plan;
3. That notice to potentially affected persons was insufficient;
4. That the proposed parking changes will make it impossible to build 4-5 bedroom multi-family units on infill lots that are close to the OSU campus;
5. That the proposed parking changes will stop infill redevelopment because it will no longer be possible to achieve an acceptable return on investment;
6. That the proposed parking changes will have a negative impact on the local economy;
7. That the proposed parking changes will push students to rent housing further from campus and drive to their classes in higher numbers, because fewer dwelling units will be able to be constructed within walking distance of campus;
8. That the proposed parking changes would inhibit the redevelopment of low value homes that are unsafe, unattractive, and not "rentable;"
9. And, that new development near campus is not the sole cause of on-street parking problems and other solutions should be pursued.

The Council notes that within the past two years, a significant amount of public concern has been expressed to the City Council; Planning Commission; OSU/City Collaboration Steering Committee; and to the Parking and Traffic, Neighborhood Livability, and Neighborhood Planning Work Groups of the OSU/City Collaboration regarding on-street parking problems in the neighborhoods near Oregon State University. In particular, the concern has been expressed that where redevelopment resulting in dwelling units with



higher than typical bedroom counts (four- and five-bedroom units) has occurred, on-street parking has become very scarce. The Council notes that the current Land Development Code requires no more on-site parking for four- and five-bedroom dwelling units than are required for three bedroom dwelling units. The Council notes that in recent years, there has been a significant increase in the number of four- and five-bedroom dwelling units constructed within the City. Consequently, the Council finds that it is necessary to increase on-site parking requirements for higher density types of four- and five-bedroom dwelling units to minimize negative impacts to on-street parking and to provide improved livability to residents of areas where a large number of four- and five-bedroom dwelling units are being constructed.

The Council notes that the Corvallis 2020 Vision Statement was developed and adopted in 1998 to provide a shared vision for the qualities that the citizens of Corvallis would like their town to manifest in the year 2020. As such, the Council notes that the 2020 Vision Statement is an aspirational document that does not contain mandatory decision criteria. The Council notes that the 2020 Vision Statement was utilized to inform the 1998 Comprehensive Plan Update, and the development of the current Land Development Code. The Council notes that the 2020 Vision Statement addresses a number of concepts that must necessarily balance one another in order to provide for a successful community. For example, to promote economic development, which is one of the goals within the Vision Statement, to the exclusion of protecting our environment, which is another goal within the Vision Statement, would not be consistent with the overall picture provided by the 2020 Vision Statement. However, each goal, or content category, is an important component of a successful community. Therefore, the Council finds that the statement within the 2020 Vision Statement that higher densities and compact development should be promoted because of their environmental benefits should be balanced with the portion of the Vision Statement regarding "Where People Live," which states that development standards should insure that development and redevelopment create, protect, and enhance neighborhood form, along with an emphasis on maintaining livability to preserve healthy neighborhoods. In this particular instance, the City Council finds that the necessity of addressing on-street parking concerns in relation to four- and five-bedroom dwelling units, which erode the livability of neighborhoods, is greater than the need to minimize on-site parking requirements due to their potential environmental impacts.

The Council notes that the Comprehensive Plan contains findings and policies that were informed by the 2020 Vision Statement and that were used to develop the current Land Development Code. The Council notes that, similar to the analysis provided above of the 2020 Vision Statement, the Comprehensive Plan is a document in which findings and policies within each Article often "balance" one another, because goals sometimes work at cross purposes. For example, an exclusive emphasis on achieving maximum density in Corvallis would ignore the need to maintain livability in residential neighborhoods. Similarly, the Council finds that the following Comprehensive Plan Policies relating to Auto Parking

must be "balanced" against one another to determine the appropriate level of regulation regarding parking in the City:

- 11.4.1 The City shall manage on-street parking to permit the safe and efficient operation of the transportation system.**
- 11.4.2 The City shall adopt and implement measures that discourage nonresidential vehicular parking on residential streets and in other adversely affected areas.**
- 11.4.3 All traffic generators shall provide adequate parking.**
- 11.4.5 The City shall continue to promote the use of other modes of transportation as an alternative to the automobile, especially in areas where there is a shortage of parking facilities.**
- 11.4.7 The City shall investigate opportunities for reducing minimum off-street parking requirements in areas with adequate on-street or area parking facilities. Factors such as good transit and pedestrian access should be considered.**

Upon consideration of these Comprehensive Plan Policies, as well as public testimony, materials within the October 24, 2012, Staff Report to the City Council, and other information presented to the City Council in consideration of the proposed change to parking requirements, the Council finds the proposed change to parking requirements will promote the public welfare and is an appropriate measure to address on-street parking problems in the City.

The Council notes that notice of the proposed parking changes was provided consistent with the requirements of State law and the City's Land Development Code, as enumerated in the above findings. The Council notes that multiple opportunities have been provided to provide testimony regarding the proposed parking changes, including public meetings of the OSU/City Collaboration Neighborhood Planning Work Group, public meetings of the OSU/City Collaboration Steering Committee, and public meetings of the Corvallis Planning Commission, including the September 19, 2012, and October 3, 2012, public hearings regarding the proposed Land Development Code Amendments. Consequently, the Council finds that due process has been provided to all affected persons in compliance with State and local requirements.

The Council acknowledges that the proposed parking changes will make it more difficult to build 4 or 5 bedroom dwelling units on small, infill lots near the University; however, the Council notes that the proposed parking changes will have no impact on the development or re-development of 1-, 2-, or 3-bedroom units in these areas, as the parking requirements for these types of units will remain the same. The Council notes that making alterations to development standards to improve the livability of neighborhoods within the City is within the appropriate purview of the City Council, and that those who choose to engage in development within the community must abide by the standards put in place by the City Council to promote the well being of citizens. The Council notes that although it is not the



intention of the City Council to put in place economic obstacles to development and re-development within the City, the economic interests of the development community must be balanced with measures that maintain the livability of neighborhoods within the City. Consequently, the Council finds the proposed parking change is an appropriate measure to address on-street parking problems in the City.

The Council notes that the OSU/City Collaboration effort is currently in process, and recognizes that the ultimate outcome of that effort may result in other changes to the Land Development Code, or other changes, that would also address on-street parking problems. However, the Council finds that the proposed parking changes will provide more immediate relief to problems that are being experienced in many neighborhoods within the City than measures that have yet to be determined. Additionally, the Council finds that the proposed parking changes are of a limited scope and scale (limited to certain housing types with four- and five-bedroom units), and are not anticipated to have significant negative impacts on development within the City as a whole.

The Council notes that a significant amount of public testimony has been received regarding the impacts of enrollment growth at Oregon State University upon development and re-development within neighborhoods close to OSU. The Council notes that, although some homes in these neighborhoods are in poor condition, other homes are well maintained and are located in neighborhoods that manifest traditional neighborhood character, as described in the Corvallis 2020 Vision Statement. Consequently, the Council finds that existing development in the neighborhoods close to OSU is not primarily considered "low value," or in a condition that warrants immediate large-scale demolition and redevelopment. Based on this finding, the Council also finds that the proposed parking changes will not interfere with necessary redevelopment in the City.

The City Council accepts and adopts the following findings from the September 10, 2012, Planning Commission Staff Report regarding the consistency of the proposed change to parking requirements with applicable Comprehensive Plan Policies and Statewide Planning Goals:

**1. Applicable Comprehensive Plan Policies**

The proposed code amendment would increase parking requirements for Single Attached - Zero Lot Line, Duplex, Attached, and Multi-Dwelling dwelling units with four or five bedrooms. Comprehensive Plan Policies that relate to the proposed code amendment are as follows:

**4.10.6 In order to reduce peak runoff from impervious areas and maintain pre-development flow regimes, the City shall work to adopt standards such as the following:**

9. Minimize the proportion of each development site allocated to surface parking and circulation.
  10. Minimize the average dimensions of parking stalls.
  11. Use pervious materials and alternative designs where applicable, such as infiltration systems.
  12. Modify setback requirements to reduce the length of driveways.
  13. Promote the use of shared driveways to reduce impervious surface in residential development.
  14. Promote disconnection of roof down spouts to reduce runoff going into a piped collection system or the street and encourage storage for reuse.
  15. Retain a larger percentage of vegetated area within all types of development to increase rainfall interception.
  16. Pursue the use of retention and infiltration facilities where the soils are suitable to control runoff volume, peak flow and promote dry season base flows in streams.
  17. Develop sub-surface storage as well as surface detention facilities.
  18. Evaluate additional restrictions on cuts in hillsides, especially in areas with near-surface groundwater.
- 7.5.5 The City shall attempt to limit unnecessary increases in the percentage of Corvallis' impervious surfaces.
- 11.4.1 The City shall manage on-street parking to permit the safe and efficient operation of the transportation system.
- 11.4.3 All traffic generators shall provide adequate parking.
- 11.4.7 The City shall investigate opportunities for reducing minimum off-street parking requirements in areas with adequate on-street or area parking facilities. Factors such as good transit and pedestrian access should be considered.

The proposed code amendment has been prompted in large part by infill development projects in established neighborhoods (especially near the University) with limited opportunities for on-street parking. Many recent infill development projects contain dwelling units with four or five bedrooms. Under the current LDC standards, the amount of on-site parking required for four and five bedroom units is no more than the parking requirement for three bedroom units. For Single Attached - Zero Lot Line units, the requirement under the current code is two parking spaces. For Duplex, Attached, and Multi-Dwelling, the requirement for three-bedroom (and higher) units is 2.5 spaces per unit. In areas with high concentrations of infill development with four and five bedroom units, the availability of on-street parking has become a significant issue.



Comprehensive Plan Policy 11.4.3 states that “All traffic generators shall provide adequate parking.” This code amendment is proposed to ensure that dwelling units with a higher number of bedrooms will provide adequate parking consistent with Policy 11.4.3, as well as reducing impacts to on-street parking from these types of development, consistent with Policy 11.4.1. Balancing this concern are Comprehensive Plan Policies 4.10.6, 7.5.5, and 11.4.7. Policy 4.10.6 calls attention to the issue of surface water runoff from impervious surface areas in the city and calls for regulations that would minimize the amount of circulation and parking areas on a site. Policy 7.5.5 provides similar direction in order to minimize impacts to water quality in the community.

In general, the City's parking regulations do contain limits on the amount of impervious surface area that is created to serve cars. The Land Development Code contains maximum parking standards which place a limit on the amount of parking that can be provided to serve a development site, which is 130% of the minimum required parking. Additionally, the Land Development Code contains requirements for storm water detention and treatment that help to mitigate the negative impacts of impervious surface areas on both water quantity and water quality. The proposed increase in parking for certain types of four and five bedroom dwelling units is a limited change to the LDC, which is needed to minimize localized negative impacts to on-street parking. As such, the measure will have a limited impact on stormwater quantity and quality within the city.

Policy 11.4.7 calls for consideration of reducing off-street parking requirements in areas with adequate on-street or area parking facilities. A good example of a location where this is appropriate is the City's Central Business District, in which parking studies have shown that the existing inventory of on-street spaces and parking lots provide adequate parking to serve the downtown area, and so have justified a reduced parking requirement for development in the Central Business District. Generally speaking, the neighborhoods in which four and five bedroom units are being developed are not served by adequate on-street or area parking facilities. Many of these areas are near the University, and although that proximity supports good transit and pedestrian access, there remains a significant on-street parking shortage. Consequently, it would not make sense to reduce off-street parking requirements in these areas.

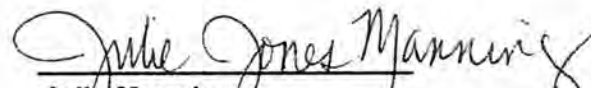
Given this analysis of policy direction relating to parking, and the specific proposal and circumstances that the proposal is intended to address, the Council finds that, in balance, the proposed increase to parking requirements will be appropriately limited in scale and will address a significant issue in the City. Consequently, the Council finds the proposed amendment is consistent with Comprehensive Plan policy direction in regards to the provision of parking in Corvallis.

## **2. Applicable Statewide Planning Goals**

The Statewide Planning Goals that are most directly related to the proposed amendment to parking standards are Goal 6, Air, Water and Land Resources Quality; Goal 7, Areas Subject to Natural Disasters and Hazards; and Goal 12, Transportation. As discussed in the analysis of consistency with Comprehensive Plan Policies above, the provision of parking has an effect upon the amount of stormwater that goes into the City's system and the quality of the water that ultimately makes its way back to the area's rivers and streams. As noted in the preceding Comprehensive Plan analysis, the proposed parking increase will be limited in scale and is designed to address a significant issue in many neighborhoods within the city. Provision of adequate on-site parking within the city will serve to facilitate the function of the city's transportation system, consistent with Goal 12. The City's stormwater detention and on-site treatment requirements will help to ensure that the negative water quantity and quality impacts of additional parking requirements will be appropriately mitigated. Therefore, the Council finds the proposed amendment is consistent with applicable Statewide Planning Goals.

#### SUMMARY OF CONCLUSIONS

The City Council finds that the proposed Legislative Amendment to parking requirements within the Land Development Code (LDT12-00001) is consistent with the applicable Land Development Code criteria, Comprehensive Plan policies, and Statewide Planning Goals. The Council finds that the proposed parking change will promote the public welfare and is necessary to maintain livability in neighborhoods within the City. Accordingly, the Legislative Amendment to the Land Development Code (LDT12-00001) is APPROVED.

  
\_\_\_\_\_  
**Kathy Louie,**  
**City Recorder**  
\_\_\_\_\_  
**Julie Manning,**  
**Mayor**

Date: \_\_\_\_\_, 2012

# Exhibit B

## Land Development Code Amendments - Parking Requirements

### Notes:

The attached, revised Land Development Code text represents revisions approved by the City Council to Parking Requirements, as a component of LDT12-00001. The text includes highlighted language to show where a change has been made from the original text, as well as double-underline to show new text, and ~~strikeout~~, to show deleted text. Once finalized and incorporated into the Land Development Code, all such formatting will be removed.

The attached, revised Land Development Code text in this Exhibit B represents one of five packages of code amendments that are proposed for City Council approval. The other four packages consist of Infill Development Task Force items, Housekeeping items, Substantive Issues items, and Local Food items, which will each be adopted by separate ordinance. The formatting of the proposed text assumes that all five packages will be adopted and implemented as shown. If changes to this text become necessary, due to appeal, remand, or for other reasons, necessary revisions will be reviewed and approved by the City Council at such time as they are needed.

Development Permit, Chapter 4.2- Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 4.1.20 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS**

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

#### **a. Residential Uses Per Building Type -**

1. Single Detached and Single Attached - Zero Lot Line, and Manufactured Homes -

- a) Vehicles - Two spaces per dwelling unit.
- b) Bicycles - None required.

2. Single Attached - Zero Lot Line

a) Vehicles -

1)	<u>One, Two, or</u>	-	<u>Two spaces per unit.</u>
	<u>Three-bedroom Unit</u>	-	
2)	<u>Four-bedroom Unit</u>	-	<u>3.5 spaces per unit.</u>
		-	
3)	<u>Five-bedroom Unit</u>	-	<u>4.5 spaces per unit.</u>
		-	

b) Bicycles -

1)	<u>Studio or Efficiency Unit</u>	-	<u>One space per unit.</u>
		-	
2)	<u>One-bedroom Unit</u>	-	<u>One space per unit.</u>
		-	
3)	<u>Two-bedroom Unit</u>	-	<u>1.5 spaces per unit.</u>
		-	
4)	<u>Three-bedroom Unit</u>	-	<u>Two spaces per unit.</u>
		-	
5)	<u>Four-bedroom Unit</u>	-	<u>Three spaces per unit.</u>
		-	
6)	<u>Five-bedroom Unit</u>	-	<u>Four spaces per unit.</u>
		-	

23. Single Detached with more than one dwelling unit on a single lot, Duplex, Attached, and Multi-dwelling -

a) Vehicles -

- 1) Studio or Efficiency Unit - One space per unit.



2)	One-bedroom Unit	-	One space per unit.
3)	Two-bedroom Unit	-	1.5 spaces per unit.
4)	Three-bedroom Unit	-	2.5 spaces per unit.
<u>5)</u>	<u>Four-bedroom Unit</u>	<u>-</u>	<u>3.5 spaces per unit.</u>
<u>6)</u>	<u>Five-bedroom Unit</u>	<u>-</u>	<u>4.5 spaces per unit.</u>

b) Bicycles -

1)	Studio or Efficiency Unit	-	One space per unit.
2)	One-bedroom Unit	-	One space per unit.
3)	Two-bedroom Unit	-	1.5 spaces per unit.
4)	Three-bedroom Unit	-	Two spaces per unit.
<u>5)</u>	<u>Four-bedroom Unit</u>	<u>-</u>	<u>Three spaces per unit.</u>
<u>6)</u>	<u>Five-bedroom Unit</u>	<u>-</u>	<u>Four spaces per unit.</u>

The required bicycle parking may be located within a structure, in accordance with the provisions of Section 4.1.70.

34. Group Residential -

a) Vehicles -

- 1) Fraternities, Sororities, Cooperatives, and Boarding Houses - Three spaces per five occupants at capacity, with capacity to be based on criteria set forth in the Oregon Structural Specialty Code.
- 2) Retirement Homes, Intermediate Care Facilities, and Halfway Houses - One space per three persons for which sleeping facilities are provided, based on the maximum number of people to be accommodated.

b) Bicycles -

- 1) Fraternities, Sororities, Cooperatives, and Boarding Houses - Three spaces per five occupants at capacity, with capacity to be based on criteria set forth in the Oregon Structural Specialty Code.
- 2) Retirement Homes, Intermediate Care Facilities, and Halfway Houses - 10 percent of required vehicle parking, or two spaces, whichever is greater.

45. Group Care -

- a) Vehicles - One space per 1,000 sq. ft. of gross floor area.

additional parking is structured, in a subsurface or multi-storied fashion, and meets one of the following additional requirements:

- 1) The additional spaces are made available through a long-term agreement for public use;
  - 2) The additional spaces are made available through a long-term agreement for use by another development to meet its parking requirement; or
  - 3) After a long-term agreement covered under "1," or "2," above, has run out, the additional spaces become necessary to meeting parking standards for an expansion of the building for which the parking structure was originally constructed.
4. Location of Required Parking - Required parking shall be provided on property located within the Central Business (CB) and Riverfront (RF) Zones and within 750 feet of any new development.
  5. Bicycle Parking - Bicycle parking minimums shall be provided based upon the bicycle parking requirements described in Section 4.1.30, Subsections "a," through "f," for each specific Use Type.
  6. Lot Development Option Process Not Available for Parking Reductions - With the reduction of the minimum number of required parking spaces in the Central Business (CB) and Riverfront (RF) Zones, the process in Chapter 2.12 - Lot Development Option shall not be used to further reduce the minimum requirements.

*[Section 4.1.30 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS**

All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets shall be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this Section and the City's Off-street Parking and Access Standards, established by the City Engineer and as amended over time. A permit from the Development Services Division shall be required to construct parking, loading, and access facilities, except for Single Detached, Duplex, Single Attached, and Attached Building Types; and Manufactured Dwellings.

##### **a. Access to Arterial, Collector, and Neighborhood Collector Streets**

1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back-up movement onto Arterial Streets.

97339-1083

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DEC 07 2012

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AND DEVELOPMENT

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