

## **ORDINANCE 2022-06**

### **AN ORDINANCE RELATING TO PHASE 1 OF THE MIXED USE ZONES PROJECT, AMENDING THE CITY OF CORVALLIS LAND DEVELOPMENT CODE AND STATING AN EFFECTIVE DATE OF MARCH 17, 2022.**

#### **THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:**

##### Section 1. Legislative Findings. The Council finds:

- a) The Council held a duly advertised public hearing on February 7, 2022, to consider the proposed Land Development Code (“LDC”) text amendments, in accordance with LDC § 1.2.80; and
- b) The public necessity, convenience, and general welfare require the proposed LDC text amendments, in accordance with LDC § 1.2.80.01. The City Council incorporates the staff analysis and findings from the Planning Commission Staff Report dated December 15, 2021, and the supplemental finding from the City Council Staff Report dated February 7, 2022, and adopts the analysis and findings as the City Council’s own; and
- c) The proposed LDC text amendments comply with Statewide Planning Goal 1, “Citizen Involvement;” Goal 2, “Land Use Planning;” Goal 9, “Economic Development;” Goal 10, “Housing;” Goal 11, “Public Facilities and Services;” Goal 12, “Transportation;” and Goal 13, “Energy Conservation;” in accordance with LDC § 1.2.80. The City Council incorporates the staff analysis and findings from the Planning Commission Staff Report dated December 15, 2021, and the supplemental findings from the City Council Staff Report dated February 7, 2022, and adopts the analysis and findings as the City Council’s own; and
- d) The proposed LDC text amendments conform with Corvallis Comprehensive Plan Article 1 (Introduction and General Policies), Article 2 (Citizen Participation), Article 3 (Land Use Guidelines), Article 5 (Urban Amenities), Article 7 (Environmental Quality), Article 8 (Economy), Article 9 (Housing), Article 10 (Public Utilities, Facilities, and Services), Article 11 (Transportation), Article 12 (Energy), Article 13 (Special Areas of Concern), and Article 14 (Urbanization/Annexation), in accordance with LDC § 1.2.80. The City Council incorporates the staff analysis and findings from the Planning Commission Staff Report dated December 15, 2021, and the supplemental finding from the City Council Staff Report dated February 7, 2022, and adopts the analysis and findings as the City Council’s own.

Section 2. Land Development Code Table of Contents is amended as set out in Exhibit A to this Ordinance.

Section 3. Land Development Code Section 1.4.50.01 is amended as set out in Exhibit A to this Ordinance.

Section 4. Land Development Code Section 1.6.30, the definitions of “Building Types – Nonresidential”, “Building Types – Residential”, “Floor Area Ratio, Maximum (Max. FAR)”, “Outdoor Space, Common”, “Outdoor Space, Private”, “Setback, Minimum”, “Sign, Portable”, are amended, and the definitions of “Building Types – Mixed Use”, “Floor Area, Gross”, “Frontage Occupation”, “Setback, Maximum”, “Tenant Space” are established, as set out in Exhibit A to this Ordinance.

Section 5. Land Development Code Section 1.6.30, the definition of “Full-line Department Store” is repealed.

Section 6. Land Development Code Table 2.2-1 is amended as set out in Exhibit A to this Ordinance.

Section 7. Land Development Code Section 2.5.10.2.c is amended as set out in Exhibit A to this Ordinance.

Section 8. Land Development Code Section 2.11.40.a is amended as set out in Exhibit A to this Ordinance.

Section 9. Land Development Code Section 2.18.30 is amended as set out in Exhibit A to this Ordinance.

Section 10. Land Development Code Section 3.0.10 is amended as set out in Exhibit A to this Ordinance.

Section 11. Land Development Code Section 3.0.15 is established as set out in Exhibit A to this Ordinance.

Section 12. Land Development Code Section 3.0.30 is amended as set out in Exhibit A to this Ordinance.

Section 13. Land Development Code Section 3.0.30.02.e and Section 3.0.30.02.l are amended as set out in Exhibit A to this Ordinance.

Section 14. Land Development Code Section 3.0.30.03.j, Section 3.0.30.03.n, Section 3.0.30.03.q, and Sections 3.0.30.03.y through 3.0.30.03.ee, are amended as set out in Exhibit A to this Ordinance.

Section 15. Land Development Code Section 3.1.20.02 is amended as set out in Exhibit A to this Ordinance.

Section 16. Land Development Code Section 3.2.20.02 is amended as set out in Exhibit A to this Ordinance.

Section 17. Land Development Code Section 3.3.20.02 is amended as set out in Exhibit A to this Ordinance.

Section 18. Land Development Code Section 3.4.20.02 is amended as set out in Exhibit A to this Ordinance.

Section 19. Land Development Code Section 3.6.20.01.a.3 and Section 3.6.20.02 are amended as set out in Exhibit A to this Ordinance.

Section 20. Land Development Code Chapter 3.7 is established as set out in Exhibit A to this Ordinance.

Section 21. Land Development Code Section 3.8.20.01.a.3 is amended as set out in Exhibit A to this Ordinance.

Section 22. Land Development Code Section 3.9.30.01.a.3, Section 3.9.30.01.a.4, Section 3.9.30.02, Section 3.9.30.04, and Section 3.9.40.02 are amended as set out in Exhibit A to this Ordinance.

Section 23. Land Development Code Section 3.10.20.02 is amended as set out in Exhibit A to this Ordinance.

Section 24. Land Development Code Section 3.11.20.03 and Section 3.11.30.03 are amended as set out in Exhibit A to this Ordinance.

Section 25. Land Development Code Section 3.14.30, Table 3.14-1, Section 3.14.50.03, and Section 3.14.50.03.b are amended as set out in Exhibit A to this Ordinance.

Section 26. Land Development Code Section 3.15.30.01.a.4 and Section 3.15.30.01.a.5 are amended as set out in Exhibit A to this Ordinance.

Section 27. Land Development Code Section 3.16.20.01.a.3 and Section 3.16.20.01.a.4 are amended as set out in Exhibit A to this Ordinance.

Section 28. Land Development Code Chapter 3.18 is established as set out in Exhibit A to this Ordinance.

Section 29. Land Development Code Table 3.19-1 is amended as set out in Exhibit A to this Ordinance.

Section 30. The title of Land Development Code Chapter 3.20 is amended, and Land Development Code Section 3.20.10, Section 3.20.20, Section 3.20.30, Table 3.20-1, Section 3.20.40.01, Section 3.20.40.02, Section 3.20.40.06, and Section 3.20.40.10.a are amended as set out in Exhibit A to this Ordinance.

Section 31. Land Development Code Table 3.21-1 is amended as set out in Exhibit A to this Ordinance.

Section 32. Land Development Code Table 3.22-1 is amended as set out in Exhibit A to this Ordinance.

Section 33. Land Development Code Section 3.26.30.01.a.2 and 3.26.30.01.a.3 are amended as set out in Exhibit A to this Ordinance.

Section 34. Land Development Code Section 3.27.30.01.a, Section 3.27.30.02, Section 3.27.30.03, Section 3.27.40.01, Section 3.27.40.02, Section 3.27.40.03, and Section 3.27.50.09.a are amended as set out in Exhibit A to this Ordinance.

Section 35. Land Development Code Section 3.36.30.01.a is amended as set out in Exhibit A to this Ordinance.

Section 36. Land Development Code Section 4.0.60.k.8, Section 4.0.60.n, Table 4.0-3, and Section 4.0.100.b are amended as set out in Exhibit A to this Ordinance.

Section 37. Land Development Code Section 4.1.20, Section 4.1.30, Section 4.1.40, Section 4.1.50, Section 4.1.60, and Section 4.1.70.d.1 are amended as set out in Exhibit A to this Ordinance.

Section 38. Land Development Code Section 4.2.30.a.1, Section 4.2.30.a.2, Section 4.2.70.01.a, and Section 4.2.70.01.b are amended as set out in Exhibit A to this Ordinance.

Section 39. Land Development Code Section 4.7.50.j, Section 4.7.90.01, Section 4.7.90.02, Section 4.7.90.03, and Section 4.7.90.04 are amended, and Section 4.7.50.o is established, as set out in Exhibit A to this Ordinance.

Section 40. Land Development Code Section 4.9.70 and Section 4.9.80 are amended, and Section 4.9.100 is established, as set out in Exhibit A to this Ordinance.

Section 41. Land Development Code Section 4.10.40.c, Section 4.10.60.01.b, Section 4.10.60.04.d, Section 4.10.70.02.a, Section 4.10.70.03.b, Section 4.10.70.04.d, Section 4.10.70.04.e, Section 4.10.70.05.a.1, Section 4.10.70.05.a.2, Section 4.10.70.05.b.1, Section 4.10.70.05.b.4, and Section 4.10.70.05.b.6 are amended as set out in Exhibit A to this Ordinance.

Section 42. Land Development Code Section 4.11.50.02.a and Section 4.11.50.02.b are amended as set out in Exhibit A to this Ordinance.

Section 43. Land Development Code Section 4.14.70.04.c.3.b and Section 4.14.70.04.d.2.b are amended as set out in Exhibit A to this Ordinance.

Section 44. Exhibit A to this Ordinance is attached and incorporated as part of this Ordinance.

Section 45. No other provision of the Land Development Code is amended by this Ordinance.

Section 46. The best interest of the people of the City of Corvallis will be served if the effective date of this Ordinance is delayed until March 17, 2022.

PASSED by the City Council this 7th day of March 2022

APPROVED by the Mayor this 8th day of March 2022

EFFECTIVE this 17th day of March 2022

DocuSigned by:  
*Biff Traber*  
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\_\_\_\_\_  
Mayor

ATTEST:

DocuSigned by:  
*Carla Holyworth*  
52638DC2B1C446A...  
\_\_\_\_\_  
City Recorder

**ORDINANCE 2022-06****EXHIBIT A**

*Headings in this exhibit, corresponding to Sections 2 through 4, 6 through 13, 15 through 43 of this Ordinance, are provided for reference, but will not be included in the text of the Land Development Code.*

**Section 2.**

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[...]

## ARTICLE III - DEVELOPMENT ZONES

Chapter

3.0 Use Classifications

## RESIDENTIAL ZONES

3.1	(RS-3.5)	Low Density Zone
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3.3	(RS-6)	Low Density Zone
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3.5		[Reserved]
3.6	(RS-12)	Medium-high Density Zone
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## COMMERCIAL AND OFFICE ZONES

3.11	(P-AO)	Professional and Administrative Office Zone
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3.14	(NC)	Neighborhood Center Zone
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3.17	(CBF)	Central Business Fringe Zone
3.18	(CMU)	Commercial Mixed Use Zones
3.19	(MUCS)	Mixed Use Community Shopping Zone
3.20	(GC)	General Commercial Zone

[...]

**Section 3.**1.4.50.01 - Commercial Uses Along SW 3<sup>rd</sup>, SW 5<sup>th</sup>, 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), 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 current standards.

#### ***Section 4.***

##### **Section 1.6.30 – SPECIFIC WORDS AND TERMS**

##### **Building Types -**

- a. Nonresidential - A building that contains only nonresidential Use Types, as defined in Chapter 3.0 – Use Classifications.
- b. Residential - Group of building types that contain only residential Use Types, as defined in Chapter 3.0 – Use Classifications, and comprising the following:  
[...]
- c. Mixed Use – A building that contains both residential and nonresidential Primary Use Types, as defined in Chapter 3.0 – Use Classifications.
- d. The following terms are not considered Building Types for purposes of this Code, but some are considered Housing Types for the purposes of meeting Code requirements for Housing Type variations. See Housing Types.  
[...]

Floor Area, Gross – Consistent with the definition for Floor Area, Gross from the Oregon Structural Specialty Code.

Floor Area Ratio, Maximum (Max. FAR) - The gross floor area of all buildings on a lot or development site that, when divided by the net area of a lot or development site on which the buildings are located, does not exceed a specified decimal value. See Floor Area, Gross and Area, Net.

Frontage Occupation – The percentage of a development site’s linear street frontage at the ground level that is occupied by one or more of the following within the maximum front yard setback, exterior side yard setback, and/or rear yard setback abutting to a street for the Zone:

- Building facades
- Public parks
- Private parks or plazas that are legally available to the public, and with minimum dimensions of 20’ by 20’
- Area reserved for outdoor customer seating associated with one or more on-site permitted nonresidential uses

Outdoor Space, Common - Areas intended for common outdoor active or passive recreational use. Normally includes playgrounds/tot lots, swimming pools, recreation courts, patios, open landscaped areas, preserved natural areas, and/or greenbelts with pedestrian, equestrian, and/or bicycle trails, etc. Does not include off-street parking, loading areas, or driveways. Can be privately owned and maintained, or dedicated to the City.

Outdoor Space, Private - Areas intended for private outdoor active or passive recreational use by residents of an individual dwelling unit. Normally includes balconies, patios, and/or landscaped areas. Does not include off-street parking, loading areas, or driveways.

Setback, Minimum - Minimum allowable horizontal distance from a property line (unless otherwise noted) to the nearest vertical wall of a building or structure, fence, or other element as defined by this Code.

Setback, Maximum – The maximum allowable horizontal distance from a property line (unless otherwise noted) to the nearest vertical wall of a building or structure. This measure is used for the specific purpose of calculating Frontage Occupation.

Sign, Portable - Applicable only in the Commercial Mixed Use (CMU) Zones, the Central Business (CB) Zone, and the Riverfront (RF) Zone, and subject to the provisions in Section 4.7.90.04.c. A sign not permanently attached to the ground or other permanent structure, including A-frame signs (also called sandwich board signs), pedestal signs, easels, and vertically oriented, pole-mounted banners that are secured to poles at the top and bottom.

Tenant Space – A portion of a structure occupied by nonresidential use(s), with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls without doors. In the case of a building occupied by a single nonresidential use / tenant, tenant space means the entire building.

## Section 6.

TABLE 2.2-1 COMPREHENSIVE PLAN AND CORRESPONDING ZONING MAP DESIGNATIONS (not including zone overlays)		
IF THE COMPREHENSIVE PLAN DESIGNATION	THE OFFICIAL ZONING MAP DESIGNATION SHALL BE:	
RESIDENTIAL	RESIDENTIAL	
Low Density (0.5 - 2 units/acre for RS-1 only) (2-6 units/acre for RS-3.5, RS-5, & RS-6)	RS-1	Extra Low <sup>1</sup>
	RS-3.5	Low
	RS-5	Low
	RS-6	Low <sup>2</sup>
	C-OS	Conservation - Open Space
Medium Density (6-12 units/acre)	RS-9	Medium
	C-OS	Conservation - Open Space
Medium-high Density (12-20 units/acre)	RS-12	Medium High
	RMU-12	Residential Mixed Use - Medium High
	MUR	Mixed Use Residential
	C-OS	Conservation - Open Space
High Density (over 20 units/acre)	RS-20	High
	RMU-20	Residential Mixed Use - High
	MUR	Mixed Use Residential
	C-OS	Conservation - Open Space
Mixed Use Residential (over 12 units/acre)	RS-12	Medium High
	RS-20	High
	RMU-12	Residential Mixed Use - Medium High
	RMU-20	Residential Mixed Use - High
	MUR	Mixed Use Residential
	C-OS	Conservation - Open Space
OFFICE/COMMERCIAL	COMMERCIAL	
Professional Office	P-AO	Professional and Administrative Office
	C-OS	Conservation - Open Space

Mixed Use Commercial	CMU-1 CMU-2 NC-Major NC-Minor MUCS GC	Commercial Mixed Use 1 Commercial Mixed Use 2 Major Neighborhood Center Minor Neighborhood Center Mixed Use Community Shopping General CommercialC-OS Conservation - Open Space
Central Business	CMU-3 CB CBF RF C-OS	Commercial Mixed Use 3 Central Business Zone Central Business Fringe Riverfront Conservation - Open Space
INDUSTRIAL	INDUSTRIAL	
Limited	RTC LI MUE C-OS	Research Technology Center Limited Industrial Mixed Use Employment Conservation - Open Space
Limited Industrial - Office	RTC LI-O C-OS	Research Technology Center Limited Industrial - Office Conservation - Open Space
Mixed Use Employment	MUE C-OS	Mixed Use Employment Conservation - Open Space
General	RTC MUE GI C-OS	Research Technology Center Mixed Use Employment General Industrial Conservation - Open Space
General Industrial - Office	RTC MUE GI II C-OS	Research Technology Center Mixed Use Employment General Industrial Intensive Industrial Conservation - Open Space
Mixed Use Transitional	RTC MUT C-OS	Research Technology Center Mixed Use Transitional Conservation - Open Space
Intensive	II MUE C-OS	Intensive Industrial Mixed Use Employment Conservation - Open Space
OTHERS	OTHERS	
Public-Institutional	Oregon State University C-OS	Conservation - Open Space  And any other zone for government and public facility uses.
Open Space - Agriculture	AG-OS C-OS	Agriculture - Open Space Conservation - Open Space
Open Space - Conservation	C-OS	Conservation - Open Space
Natural Hazards Overlay	Any zone	
Natural Resources Overlay	Any zone	



**Section 7.**

## Section 2.5.10 - BACKGROUND

## 2. Uses -

- a) The Conceptual and Detailed Development Plan process does not permit an expansion of Uses beyond those specified by the underlying zone;
- b) In cases where a property's underlying zoning designation was changed prior to December 31, 2006, and a valid (still active) Planned Development existed and was approved before December 31, 2006, the Conceptual and Detailed Development Plan process may be used to allow the Uses permitted by the new underlying zone; and
- c) The Conceptual and Detailed Development Plan process may also be used to modify the zone-specific Use size or Tenant Space limitations contained in Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone.

**Section 8.**

- a. Placement of Fill in Residential Zones - Within the Floodway Fringe, placement of fill in the RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-12, RS-20, RMU-12, RMU-20, and MUR Zones, provided it is consistent with other applicable provisions of this Code and provided all of the following are met:
  - 1. The fill is used solely for the purpose of constructing a sandbox, a raised gardening bed, or other similar landscape feature;
  - 2. There are no undeveloped portions of the site that are outside the Floodway Fringe that can accommodate the items described in "a.1," above;
  - 3. The fill does not occupy an area that is greater than 10 percent of the minimum lot size of the corresponding zone or 10 percent of the area of the subject lot that is within the Floodway Fringe, whichever is less; and
  - 4. The average depth of the fill does not exceed six in. over the area described in "a.3," above;

**Section 9.**

## 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) or Commercial Mixed Use 3 (CMU-3) Zone;
- [...]

**Section 10.**

### Section 3.0.10 - PURPOSE

Use Classifications classify Use Types based on common functional, product, or compatibility characteristics, thereby regulating Uses according to relative compatibility. There are occasions, however, where a Use instead of a Use Type is listed. Where this occurs, reference is made to Chapter 1.6 - Definitions.  
[...]

## ***Section 11.***

### Section 3.0.15 – LEGAL CONSIDERATIONS

- a. The Director shall have the authority to classify common Uses according to Use Types listed in Section 3.0.30 below. The classification of a Use is subject to the right of appeal in accordance with the provisions of Chapter 2.19 - Appeals.
- b. Use Types not specifically listed in a zone cannot be established except:
  1. As classified by the Director per (a) above;
  2. As authorized in this Code and in accordance with Chapter 2.16 - Request for Interpretation;
  3. As customarily incidental to the Primary Use in accordance with Chapter 4.3 – Accessory Development Regulations; or,
  4. When permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property.

## ***Section 12.***

### Section 3.0.30 - LISTING OF USE CLASSIFICATIONS

The primary activity on a lot or site is the Use. The Director shall classify Uses as one or more Use Types. All Use Types in this Chapter are arranged by Use Type category to make them easier to locate. This Chapter lists Use Type categories in the following order: Residential, Civic, Commercial, Industrial, Agricultural and Extractive. The Use Types within each Use Type category are in alphabetical order.

In addition to Use Types, this Code defines Building Types and residential Housing Types in Chapter 1.6 - Definitions. Residential Building Types are listed in each zone that permits Residential Use Types and are listed from least intensive to most intensive Use. For example, Single Detached is listed above Single Attached, and both of these Building Types are listed above Multi-dwelling. Both residential Building Types and Housing Types are listed in Chapter 4.9 - Additional Provisions, to assist in describing the requirements for Housing and/or Building Type variations in residential developments.

## ***Section 13.***

- e. Group Assembly - Meetings and activities primarily conducted for members of such groups. Excludes Group Residential, Group Care, and Lodging Services Use Types. Typical Uses include synagogues, temples, and churches; and meeting places for civic clubs, lodges, or fraternal or veteran organizations. Includes activities customarily associated with the practices of a religious activity outlined in ORS 227.500.
- l. Redacted.

**Section 14.**

- j. Redacted.
- n. Eating and Drinking Establishments - Sale of prepared food and beverages for consumption on and/or off the premises. Typical uses include restaurants (sit-down or take-out), coffee shops, and bars.
- q. Redacted.
- y. Personal Services - Provision of personal services. Typical Uses include laundromats/dry cleaners, barbershops, and beauty salons.
- z. Professional and Administrative Services - Professional, executive, management or administrative offices of private firms or organizations. Typical Uses include administrative offices, legal offices, and architectural firms.
- aa. Repair Services, Consumer - Provision of repair services to individuals and households, but not to firms. Excludes Automotive and Equipment Use Types. Typical Uses include appliance repair shops, apparel repair firms, and musical instrument repair firms.
- bb. Research Services - Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical Uses include electronics research laboratories, environ-mental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.
- cc. Retail Sales - Sale or rental of commonly used goods and merchandise for personal or household use. Excludes Agricultural Sales, Animal Sales and Services, Automotive and Equipment, Business Equipment Sales and Services, Construction Sales and Services, and Fuel Sales. Typical Uses include department stores, grocery stores, gift shops, bookstores, flea markets, liquor stores, and furniture stores.
- dd. Scrap Operations - Storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical Uses include automotive wrecking yards, junk yards, paper salvage yards and recycling facilities.
- ee. 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.

**Section 15.****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. Group 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. Schools

***Section 16.***

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. Group 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. Residential Care Facilities

- m. Schools

### ***Section 17.***

#### **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. Group 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. Residential Care Facilities - more than 12 persons
- m. Schools

### ***Section 18.***

#### **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. 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. 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. Group 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
- q. Residential Care Facilities - more than 12 persons
- r. Schools

***Section 19.***

3.6.20.01 - Ministerial Development

- a. Primary Uses Permitted Outright

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services
- d) Group Assembly
- e) Social Service Facilities

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. 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

## ***Section 20.***

### CHAPTER 3.7 RESIDENTIAL MIXED USE (RMU) ZONES

#### Section 3.7.10 – Purpose

The Residential Mixed Use (RMU) Zones are medium-high and high density residential zones designed to allow pedestrian-focused, neighborhood-scale nonresidential uses within Mixed Use buildings, and engaging public spaces. The RMU Zones are intended to contribute to comprehensive neighborhoods, as envisioned by the Comprehensive Plan, and are differentiated by numbers relating to the anticipated dwelling unit density.

The RMU-12 Zone implements the Medium High Density Residential Comprehensive Plan designation, which allows 12 to 20 dwelling units per acre. The RMU-20 Zone implements the High Density Residential Comprehensive Plan designation, which allows 20 or more dwelling units per acre. Both the RMU-12 and RMU-20 Zones also implement the Mixed Use Residential Comprehensive Plan designation.

#### Section 3.7.20 – Establishment of the RMU Zones

The RMU-12 Zone may only be applied to lands identified as Residential – Medium-High Density or Mixed Use Residential on the Comprehensive Plan Map.

The RMU-20 Zone may only be applied to lands identified as Residential – High Density or Mixed Use Residential on the Comprehensive Plan Map.

#### Section 3.7.30 – Permitted Building Types

Table 3.7-1 – RMU Zones Permitted <u>Building</u> Types	
Use	Building-Specific Provisions
Residential – Accessory Dwelling Unit	See Section 4.9.40
Residential – Attached	
Residential – Manufactured Dwelling Facility	See Chapter 4.8
Residential – Multi-Dwelling	
Mixed Use	

#### Section 3.7.40 – Permitted Use Types

Table 3.7-2 – RMU Zones Permitted <u>Use</u> Types		
“P” – Primary use permitted outright.		
“CD” – Primary use subject to approval in accordance with Chapter 2.3 – Conditional Development.		
“A” – Accessory use permitted outright.		
Use	P, CD, or A	Use-Specific Provisions
<b>Residential Use Types</b>		
Cooperatives and Fraternity and Sorority Houses	P	
Family Residential	P	
Group Residential	P	
Group Residential/Group Care	P	
Home Business	A	
Residential Care Facility	P	
<b>Civic Use Types</b>		
Administrative Services	P	
Community Recreation	P	
Cultural Exhibits and Libraries	P	
Essential Services	A	
Group Assembly	P	
Major Services and Utilities	CD	
Minor Utilities	CD	See Section 4.9.30
Postal Services – Customer	P	
Public Safety	P	
Schools	P	
Social Service Facilities	CD	
Colocated/Attached Wireless Telecommunication Facility	A	Facility must not increase the height of the structure by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas Also see Section 4.9.60
<b>Commercial Use Types</b>		
Animal Sales and Services – Grooming	P	
Animal Sales and Services – Veterinary (Small Animals)	P	
Business Support Services	P	
Day Care, Commercial Facility	P	
Day Care, Family	A	Accessory to a Residential Use Type
Eating and Drinking Establishments	P	
Financial, Insurance, and Real Estate Services	P	
Medical Services	P	



Table 3.7-2 – RMU Zones Permitted <u>Use</u> Types		
“P” – Primary use permitted outright.		
“CD” – Primary use subject to approval in accordance with Chapter 2.3 – Conditional Development.		
“A” – Accessory use permitted outright.		
Use	P, CD, or A	Use-Specific Provisions
Participant Sports and Recreation – Indoor	P	
Personal Services	P	
Professional and Administrative Services	P	
Repair Services, Consumer	P	
Retail Sales	P	
Spectator Sports and Entertainment – Limited	P	
Technology and Support Services	P	
Temporary Outdoor Markets	A	
Vocational or Professional Training	P	
Agricultural Use Types		
Community Garden	A	
Garden	A	
Market Garden	A	

## Section 3.7.50 – General RMU Zones Development Standards

Table 3.7-3 – General RMU Zones Development Standards		
Block Perimeter Standards	See Chapter 4.0	
Density	RMU-12: 12 to 20 dwelling units per acre RMU-20: 20 or more dwelling units per acre (no maximum)	
Floor Area Ratio, Nonresidential	0.20 maximum	
Footprint, Building	No maximum	
Frontage Occupation	60 percent minimum	
Green Area	No minimum	
Height, Building	RMU-12: No minimum; maximum 45 ft. RMU-20: No minimum; maximum 65 ft. Buildings may benefit from a height bonus in accordance with Section 4.9.100 – Mixed Use Building Incentives	
Height Step-Down	Within 20 ft. of an abutting residential zone, height of structures within an RMU Zone must not exceed the maximum height of the abutting residential zone. When an area is subject to limitations from more than one abutting residential zone, the least restrictive limitation applies.	
Lot Area	1,000 sq. ft. minimum	
Lot Width	25 ft. minimum	
Minimum Assured Development Area	See Chapter 4.11	
Off-Street Vehicle and Bicycle Parking	See Chapter 4.1 Buildings may benefit from reduced minimum vehicle parking requirements in accordance with Section 4.9.100 – Mixed Use Building Incentives	
Mix of Housing Types	See Chapter 4.9	
Outdoor Space, Common	See Section 3.7.60	
Outdoor Space, Private	See Section 3.7.60	
Pedestrian Oriented Design Standards	Compliance required; see Chapter 4.10	
	Front Yard	No minimum; maximum 10 ft.
	Exterior Side Yard	

Table 3.7-3 – General RMU Zones Development Standards		
Setbacks <sup>1</sup>	Rear Yard abutting a street	No minimum
	Side Yard	Minimum 10 ft. when abutting a residential zone other than an RMU Zone; otherwise none.
	Rear Yard not abutting a street	
	Garage/Carport abutting alleys	See Section 4.0.60.j
Sign Standards	See Chapter 4.7	
Tenant Space, Nonresidential	RMU-12 maximum: 10,000 sq. ft. Gross Floor Area maximum when fronting an Arterial or Collector street; 5,000 sq. ft. Gross Floor Area maximum otherwise RMU-20 maximum: 15,000 sq. ft. Gross Floor Area maximum when fronting an Arterial or Collector street; 5,000 sq. ft. Gross Floor Area maximum otherwise	

### Section 3.7.60 – Additional Development Standards

- A. Residential Requirement – Nonresidential Use Types are not permitted by right in RMU Zones. Nonresidential Use Types are only permitted in conjunction with a primary Residential Use Type in a Mixed Use building.
- B. Private and Common Outdoor Space Provisions
  - a. A minimum 48 sq. ft. per dwelling unit of Private and/or Common Outdoor Space is required.
  - b. No Private or Common Outdoor Space may be located within a required parking lot buffer, nor within five ft. of a lot line that does not abut a street.
  - c. Additional Private Outdoor Space provisions:
    - i. Minimum dimensions of six ft. by eight ft. for each Private Outdoor Space.
    - ii. Private Outdoor Space must be directly accessible by door from the interior of the individual dwelling unit served by the space.
    - iii. Private Outdoor Space must be screened or designed to provide privacy for the users of the space.
  - d. Additional Common Outdoor Space provisions:
    - i. Minimum dimensions of 20 ft. by 20 ft. for each Common Outdoor Space.
- C. Dwelling Unit Buffering – The following buffering standards apply to dwelling units built within eight ft. of ground level.
  - a. Driveways and parking lots must be separated from windowed walls by at least eight ft.; sidewalks and multi-use paths must be separated by at least five ft.
  - b. Driveways and uncovered parking spaces must be separated from doorways by at least five ft.

### Section 3.7.70 – Variations

Variations from development standards in this chapter may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

Provisions in Articles I and II of this code are not eligible for variation.

<sup>1</sup> The actual setbacks may be affected by Vision Clearance Areas, as determined by the City Engineer; easement areas, including any utility easements required by Section 4.0.100; and Private and Common Outdoor Space Provisions in Section 3.7.60.

***Section 21.***

3.8.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

3. Civic Use Types -

- a) Community Recreation
- b) Group Assembly
- c) Postal Services - Customer
- d) Public Safety Services
- e) Schools
- f) Social Service Facilities

***Section 22.***

3.9.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

3. Civic Use Types -

- a) Cultural Exhibits and Library Services
- b) Postal Services - Customer
- c) Community Recreation
- d) Social Service Facilities

4. Commercial Use Types

- a) Business Support Services
- b) Personal Services
- c) Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- d) Eating and Drinking Establishments, 15 or fewer seats
- e) Financial, Insurance, and Real Estate Services
- f) Laundry Services
- g) Lodging Services - Bed & Breakfast only
- h) Professional and Administrative Offices
- i) Retail Sales

j) Vocational or Professional Training - within buildings only

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.

- a. Eating and Drinking Establishments, more than 15 seats
- b. Medical Services - Minor
- c. Lodging Services - limited to Bed and Breakfast with five or fewer bedrooms
- d. Group Assembly
- e. Major Services and Utilities
- f. Schools

3.9.30.04 - Prohibited Uses

All Uses not explicitly listed in Sections 3.9.30.01 through 3.9.30.03 are prohibited. For emphasis, the following Uses are identified as prohibited:

- a. Automotive and Equipment Use Types
- b. Drive-through Facilities
- c. Fuel Sales
- d. Car Washes
- e. Any other Use not specifically listed in Sections 3.9.30.01 through 3.9.30.03

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 Tenant Space and, cumulatively, 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 Type (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.

***Section 23.***

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. Group 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. Schools
- k. Spectator Sports and Entertainment - Limited and Other

#### ***Section 24.***

##### **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.

- 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, or RS-9, 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.

##### **3.11.30.03 - Height of Structures**

- b. Where the P-AO Zone abuts an RS-3.5, RS-5, RS-6, or RS-9 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.

#### ***Section 25.***

##### **Section 3.14.30 - PERMITTED USES**

Land uses in the NC Zone shall conform to the list of Use Types in Table 3.14-1 - Use Types. Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.3 - Conditional Development Review and Chapter

2.5 - Planned Development Review are identified with a CD and a PD, respectively. Uses identified with an N are not permitted.

<p>Table 3.14-1 - Use Types</p> <p>P = Use Types Permitted Outright</p> <p>PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review</p> <p>CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development</p> <p>PD = Use Types Subject to Review of Chapter 2.5 - Planned Development</p> <p>N = Not Permitted</p>		
Use Types	Permit Procedure	
	Minor NC	Major NC
<p>a. Prior Established Uses<sup>2</sup></p> <p>1. Uses existing prior to December 31, 2006, and in compliance with the Code on that date</p> <p>2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property</p>	<p>P</p> <p>P</p>	<p>P</p> <p>P</p>
<p>b. Civic Use Types<sup>3</sup></p> <p>1. Administrative Services<sup>4</sup></p> <p>2. Civic Assembly - maximum use size of 5,000 sq. ft.</p> <p>3. Civic Assembly - use size &gt; 5,000 sq. ft.</p>	<p>P</p> <p>P</p> <p>N</p>	<p>P</p> <p>P</p> <p>CD</p>
<p>4. 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>	P	P
<p>5. 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	P

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
6.	Community Recreation	CD	PC
7.	Cultural Exhibits and Libraries <sup>3</sup>	P	P
8.	Essential Services	P	P
9.	Freestanding Wireless Telecommunication Facility	N	PC
10.	Group Assembly - above ground floor only	CD	PC
11.	Major Services and Utilities - including hospitals, mass transit waiting stations or turnarounds, and schools (on second floors), but not including uses such as sanitary landfills, airports, or detention and correctional institutions	CD	CD
12.	Minor Utilities - subject to standards in Chapter 4.9 - Additional Provisions	PC	PC
13.	Parking Services	N	CD
14.	Postal Services - Customer <sup>3</sup>	P	P
15.	Public Safety	P	CD
16.	University Services and Facilities	PC	PC
c.	Commercial Use Types - contained within enclosed building		
1.	Agricultural Sales	N	CD
2.	Animal Sales and Service - Grooming, Kennels - indoor, Veterinary - small animals, but excluding other Animal Sales and Service Use Types	P	P
3.	Automotive and Equipment - subject to the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards	N	CD
a)	Car Wash	N	CD
b)	Light Equipment Repairs	N	CD
c)	Light Equipment Sales and Rentals	N	CD
4.	Building Maintenance Services	CD	P
5.	Business Equipment Sales and Services	P	P



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
6.	Business Support Services	P	P
7.	Day Care, Commercial Facility	CD	P
8.	Communication Service Establishments	CD	P
9.	Construction Sales and Services	CD	P
10.	Personal Services - except Drive-through Facilities	P	P
11.	Drive-through Facilities	N	CD
12.	Eating and Drinking Establishments - except Drive-through Facilities	P	P
13.	Financial, Insurance, and Real Estate Services	P	P
14.	Fuel Sales	N	CD
15.	Funeral and Interment Services - Cremating and Undertaking only	N	CD
16.	Laundry Services	P	P
17.	Lodging Services - Hotels/Motels, above ground floor only	N	CD
18.	Medical Services	P	P
19.	Participant Sports and Recreation		
	a) Indoor	P	P
	b) Outdoor	N	CD
20.	Professional and Administrative Services	P	P
21.	Repair Services – Consumer	P	P
22.	Research Services	PC	P
23.	Retail Sales	P	P
24.	Spectator Sports and Entertainment		
	a) Limited	CD	PC
	b) Other	N	CD
25.	Technology and Support Services - upper floors only	P	P
26.	Temporary Outdoor Markets - limited to farmers' markets and similar uses	PC	P

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
27. Vocational or Professional Training - upper floors only	P	P
d. Residential Use Types - Family, Group Residential, Group Residential/Group Care, Residential Care Facilities, Home Business <sup>5</sup>	P	P
e. Residential Building Types - Attached, Townhouse, Multi-dwelling. Any residential Building Type may be authorized through a Planned Development approval	PC	P
f. Accessory Uses <sup>6</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
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. Garden	P	P
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.	P	P
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.	P	P
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

<sup>5</sup>Single-family residential units approved and constructed prior to Annexation are allowed as Nonconforming Uses.

<sup>6</sup>All Accessory Uses shall comply with the provisions of Section 3.14.40.01.

### 3.14.50.03 - Prohibited Location of Uses

The following Uses, and those determined to have the same Use Type classification under Chapter 3.0 - Use Classifications, are prohibited from facing Shopping Streets, unless they are authorized as part of a Planned Development.

#### b. Uses Highly Dependent on Automobile Circulation

These Uses are prohibited from facing a Shopping Street:

1. Drive-through Facilities;
2. Car Washes;
3. Fuel Sales;
4. 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
5. Group 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 26.***

### 3.15.30.01 - Ministerial Development

#### a. Primary Uses Permitted Outright

#### 4. Civic Use Types -

- a) Administrative Services<sup>1</sup>
- b) Social Service Facilities<sup>1</sup>
- c) Community Recreation
- d) Cultural Exhibits and Library Services
- e) Group Assembly
- f) Parking Services - structured parking, surface parking along alleys, or surface parking interior to sites(s) and accessed only via the alley
- g) Postal Services<sup>2</sup>

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<sup>1</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 3.15.40.02, provided it occupies the ground floor area.

<sup>2</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 3.14.40.05, provided it occupies the ground floor area, and provided it serves the general public as a post office.

- h) Public Safety
- i) Schools - above ground floor
- j) 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.
- k) 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. Commercial Use Types -

- a) Animal Sales and Services
  - 1) Grooming
  - 2) Veterinary - small animals
- b) Business Equipment Sales and Services
- c) Business Support Services
- d) Communication Services
- e) Day Care, Commercial Facility
- f) Eating and Drinking Establishments
- g) Financial, Insurance, and Real Estate Services
- h) Medical Services
- i) Participant Sports and Recreation
  - 1) Indoor
  - 2) Outdoor
- j) Professional and Administrative Services
- k) Repair Services - Consumer
- l) Research Services
- m) Retail Sales
- n) Spectator Sports and Entertainment - Limited
- o) Technology and Support Services - upper floors only
- p) Temporary Outdoor Markets

- q) Lodging Services - Hotel/Motel - In the RF Zone, this includes only non-ground-floor rooms; however, access areas such as stairways and lobbies are permitted on the ground floor adjacent to sidewalks.
- r) Vocational or Professional Training

***Section 27.***

3.16.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

3. Civic Use Types -

- a) Administrative Services
- b) Social Service Facilities
- c) Community Recreation
- d) Cultural Exhibits and Library Services
- e) Group Assembly
- f) Parking Services
- g) Postal Services
- h) Public Safety Services

4. Commercial Use Types -

- a) Agricultural Sales
- b) Animal Sales and Services
  - 1) Grooming
  - 2) Kennels
  - 3) Veterinary - large and small animals
- c) Automotive and Equipment
  - 1) Cleaning
  - 2) Fleet Storage
  - 3) Parking Services
  - 4) Repairing, Light Equipment
  - 5) Sales/Rental

- a. Farm Equipment
  - b. Heavy Equipment
  - c. Light Equipment
- d) Building Maintenance Services
- e) Business Equipment Sales and Services
- f) Business Support Services
- g) Communication Services
- h) Construction Sales and Service
- i) Eating and Drinking Establishments
- j) Financial, Insurance, and Real Estate Services
- k) Fuel Sales
- l) Funeral and Interment Services - Undertaking
- m) Laundry Services
- n) Lodging Services
  - 1) Hotels/Motels
  - 2) Bed & Breakfast
- o) Medical Services
- p) Participant Sports and Recreation - Indoor and Outdoor
- q) Professional and Administrative Services
- r) Repair Services - Consumer
- s) Research Services
- t) Retail Sales
- u) Spectator Sports and Entertainment
  - 1) Limited
  - 2) Other - Uses existing as of June 1, 2001
- v) Temporary Outdoor Markets
- w) Technology and Support Services - upper floors only
- x) Vocational or Professional Training

- y)       Wholesaling, Storage, and Distribution
- 1)       Mini-warehouses
- 2)       Light

Section 28.

CHAPTER 3.18  
COMMERCIAL MIXED USE (CMU) ZONES

Section 3.18.10 – Purpose

The Commercial Mixed Use (CMU) Zones are pedestrian-focused commercial zones designed to allow a variety of commercial and civic uses, with the option of supportive residential uses within Mixed Use buildings, and engaging public spaces. The CMU Zones are differentiated by ascending numbers correlating to the permitted development scale.

The CMU-1 and CMU-2 Zones implement the Mixed Use Commercial Comprehensive Plan designation, and are intended to form the commercial core of comprehensive neighborhoods as envisioned by the Comprehensive Plan. The CMU-1 Zone is anticipated within Minor Neighborhood Center Study Areas, and the CMU-2 Zone is anticipated within Major Neighborhood Center Study Areas, although they can be appropriate in other areas as well.

The CMU-3 Zone implements the Central Business Comprehensive Plan designation, and is intended to guide the development of the Central Business District, as envisioned by the Comprehensive Plan.

Section 3.18.20 – Establishment of the CMU Zones

The CMU-1 and CMU-2 Zones may only be applied to lands identified as Mixed Use Commercial on the Comprehensive Plan Map.  
The CMU-3 Zone may only be applied to lands identified as Central Business on the Comprehensive Plan Map.

Section 3.18.30 – Permitted Building Types

Table 3.18-1 – CMU Zones Permitted <u>Building</u> Types	
Use	Building-Specific Provisions
Nonresidential	
Mixed Use	See Section 3.18.60 “A” and “B”

Section 3.18.40 – Permitted Use Types

Table 3.18-2 – CMU Zones Permitted <u>Use</u> Types		
“P” – Primary use permitted outright. “CD” – Primary use subject to approval in accordance with Chapter 2.3 – Conditional Development. “A” – Accessory use permitted outright.		
Use	P, CD, or A	Use-Specific Provisions
Residential Use Types Note: In accordance with Section 3.18.60 “A” and “B,” Residential Use Types are only permitted in conjunction with a primary nonresidential Use Type in a Mixed Use building		

Table 3.18-2 – CMU Zones Permitted <u>Use</u> Types		
<p>“P” – Primary use permitted outright.</p> <p>“CD” – Primary use subject to approval in accordance with Chapter 2.3 – Conditional Development.</p> <p>“A” – Accessory use permitted outright.</p>		
Use	P, CD, or A	Use-Specific Provisions
Family Residential	P	
Group Residential	P	
Group Residential/Group Care	P	
Home Business	A	
Residential Care Facility	P	
<b>Civic Use Types</b>		
Administrative Services	P	
Community Recreation	P	
Cultural Exhibits and Libraries	P	
Essential Services	A	
Group Assembly	P	
Major Services and Utilities	CD	
Minor Utilities	CD	See Section 4.9.30
Parking Services	CD	
Postal Services - Community-Based	CD	
Postal Services – Customer	P	
Public Safety	P	
Schools	P	
Social Service Facilities	P	
University Services and Facilities	CD	
Colocated/Attached Wireless Telecommunication Facility	A	Facility must not increase the height of the structure by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas Also see Section 4.9.60
Colocated/Attached Wireless Telecommunication Facility	CD	Facility <i>may</i> increase the height of the structure by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas Also see Section 4.9.60
<b>Commercial Use Types</b>		
Agricultural Sales	CD	
Agricultural Services	CD	



Table 3.18-2 – CMU Zones Permitted Use Types

“P” – Primary use permitted outright.

“CD” – Primary use subject to approval in accordance with Chapter 2.3 – Conditional Development.

“A” – Accessory use permitted outright.

Use	P, CD, or A	Use-Specific Provisions
Animal Sales and Services – Grooming	P	
Animal Sales and Services – Veterinary (Large Animals)	CD	
Animal Sales and Services – Veterinary (Small Animals)	P	
Automotive and Equipment – Light Equipment Repairs	CD	
Automotive and Equipment – Light Equipment Sales/Rentals	CD	
Automotive and Equipment – Parking Services	CD	
Building Maintenance Services	P	
Business Equipment Sales and Services	P	
Business Support Services	P	
Communications Service Establishments	P	
Construction Sales and Services	P	
Day Care, Commercial Facility	P	
Day Care, Family	A	Accessory to a Residential Use Type
Eating and Drinking Establishments	P	
Financial, Insurance, and Real Estate Services	P	
Funeral and Interment Services – Undertaking	CD	
Laundry Services	CD	
Lodging Services – Bed and Breakfast Facilities	P	
Lodging Services – Hotels/Motels	P	
Medical Services	P	
Participant Sports and Recreation – Indoor	P	
Participant Sports and Recreation – Outdoor	CD	
Personal Services	P	
Professional and Administrative Services	P	
Repair Services, Consumer	P	
Research Services	P	
Retail Sales	P	
Spectator Sports and Entertainment – Limited	P	
Spectator Sports and Entertainment – Other	CD	
Technology and Support Services	P	

Table 3.18-2 – CMU Zones Permitted Use Types

“P” – Primary use permitted outright.

“CD” – Primary use subject to approval in accordance with Chapter 2.3 – Conditional Development.

“A” – Accessory use permitted outright.

Use	P, CD, or A	Use-Specific Provisions
Temporary Outdoor Markets	P	
Vocational or Professional Training	P	
<b>Industrial Use Types</b>		
Limited Manufacturing	P	
Technological Production	P	
<b>Agricultural Use Types</b>		
Community Garden	A	
Garden	A	
Market Garden	A	

## Section 3.18.50 – General CMU Zones Development Standards

Table 3.18-3 – General CMU Zones Development Standards

Block Perimeter Standards	See Chapter 4.0
Density	No minimum or maximum
Floor Area Ratio, Nonresidential	No minimum or maximum
Footprint, Building	No maximum
Frontage Occupation	70 percent minimum
Green Area	No minimum
Height, Building	Minimum: Two stories above grade plane, or one story above grade plane with a mezzanine, except for Accessory Dwelling Units CMU-1 maximum: 45 ft. CMU-2 maximum: 75 ft. CMU-3 maximum: 105 ft., except within 100' of 1 <sup>st</sup> Street, where the maximum is 75' Buildings may benefit from a height bonus in accordance with Section 4.9.100 – Mixed Use Building Incentives
Height Step-Down	Within 20 ft. of an abutting residential zone, height of structures within a CMU Zone must not exceed the maximum height of the abutting residential zone. When an area is subject to limitations from more than one abutting residential zone, the least restrictive limitation applies.
Lot Area	1,000 sq. ft. minimum
Lot Width	25 ft. minimum
Minimum Assured Development Area	See Chapter 4.11

Table 3.18-3 – General CMU Zones Development Standards		
Off-Street Vehicle and Bicycle Parking	See Chapter 4.1 Buildings may benefit from reduced minimum vehicle parking requirements in accordance with Section 4.9.100 – Mixed Use Building Incentives	
Mix of Housing Types	See Chapter 4.9	
Outdoor Space, Common	None required	
Outdoor Space, Private	None required	
Pedestrian Oriented Design Standards	Compliance required; See Chapter 4.10	
Setbacks <sup>7</sup>	Front Yard	No minimum; maximum 10 ft.
	Exterior Side Yard	
	Rear Yard abutting a street	No minimum
	Side Yard	Minimum 10 ft. when abutting a residential zone other than an RMU Zone; otherwise none.
	Rear Yard not abutting a street	
	Garage/Carport abutting alleys	See Section 4.0.60.j
Sign Standards	See Chapter 4.7	
Tenant Space, Nonresidential	CMU-1 maximum: 15,000 sq. ft. Gross Floor Area maximum when fronting an Arterial or Collector street; 5,000 sq. ft. Gross Floor Area maximum otherwise CMU-2 maximum: 55,000 sq. ft. Gross Floor Area maximum CMU-3 maximum: No maximum	

#### Section 3.18.60 – Additional Development Standards

- A. Nonresidential Requirement – Residential Use Types are not permitted by right in CMU Zones. Residential Use Types are only permitted in conjunction with a primary nonresidential Use Type in a Mixed Use building.
- B. Ground Floor Dwelling Unit Limitation – Dwelling Units are not permitted on the ground floor.
- C. Adaptive Reuse of Designated Historic Resources – Existing Designated Historic Resources are exempt from the limitations of “A” and “B” above, and may comprise any Residential Building Type.
- D. Private and Common Outdoor Space Provisions – No Private or Common Outdoor Space may be located within a required parking lot buffer, nor within five ft. of a side or rear lot line that does not abut a street.

#### Section 3.18.70 – Variations

Variations from development standards in this chapter may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

Provisions in Articles I and II of this code are not eligible for variation.

<sup>7/12</sup>The actual setbacks may be affected by Vision Clearance Areas, as determined by the City Engineer, and easements, including any utility easements required by Section 4.0.100.

Section 29.

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			
Use Types	Permit Procedure		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
[...]			

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.
b. Residential <sup>8</sup> 1. <u>Residential Use Types limited to:</u>  a) Family  b) Group Residential  c) Group Residential/Group Care  d) Residential Care Facilities	P		

<sup>8</sup> All Residential Uses shall comply with the provisions of Section 3.19.40.04 – Mixed Use Development.  
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<p>Table 3.19-1 Permitted Use Types</p> <p>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</p>			
<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
2. <u>Residential Building Types limited to:</u>	P		
a) Detached - existing as of December 31, 2006			
b) Attached - Townhouse – common wall with Commercial and/or Civic Use			
c) Multi-dwelling - see also Section 3.19.40.04			
d) Accessory Dwelling			
[...]			
d. 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, or RS-9 or 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		
e. Civic Use Types			
1. Administrative Services <sup>9</sup>	P		
2. Community Recreation	PC		
3. Essential Services	P		
4. Group Assembly		P	CD

<sup>9</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.

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				
Use Types		Permit Procedure		
		No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
5.	Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions	P		
6.	Major Services and Utilities - such as transit and similar facilities	PC		
7.	Parking Services	PC		
8.	Public Safety Services	PC		
9.	Social Service Facilities <sup>3</sup>	P		
10.	University Services and Facilities	P		
11.	Wireless Telecommunication Facilities			
	a) 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		
	b) 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		
	c) Freestanding Wireless Telecommunication Facilities	PC		
f.	Commercial Use Types - contained within enclosed building <sup>10</sup>			
1.	Agricultural Sales and Service	P		
2.	Animal Sales and Service - Grooming; Kennels; Veterinary, Small Animals	P		

<sup>10</sup> All Commercial Use Types shall comply with the provisions of Section 3.19.40.02 – Thresholds for Determining the Applicable Review Procedure.

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.
3.	Animal Sales and Service - Large and Small Animals, and/or including Use outside of building		PC	CD
4.	Automotive and Equipment - subject to the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards			



<p>Table 3.19-1 Permitted Use Types</p> <p>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</p>				
<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.	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		

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.
16.	Funeral and Interment Services - Cremating and Undertaking	P		
17.	Laundry	P		
18.	Lodging Services - Hotels/Motels		P	CD
19.	Medical Services		P	CD
20.	Participant Sports and Recreation – Indoor		P	CD
21.	Professional and Administrative Services - above ground floor only		P	PC
22.	Repair Services – Consumer	P		
23.	Research Sales and Services	P		
24.	Retail Sales -15,000 sq. ft. maximum Use size		P	PC (15,000 sq. ft. max. Use size)
25.	Spectator Sports and Entertainment – Limited		P	CD
26.	Technology and Support Services		P	CD
27.	Temporary Outdoor Markets		PC	CD
28.	Vocational or Professional Training		P	CD

### Section 30.

## CHAPTER 3.20 GENERAL COMMERCIAL (GC) ZONE

### Section 3.20.10 - PURPOSE

The General Commercial (GC) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside the mixed use Neighborhood Center Zone and Mixed Use Community Shopping Zone. It is intended to provide areas for those commercial and related services and businesses that generally require extensive outside storage, are not Retail or Office Uses, or have characteristics with less pedestrian orientation than other commercial zones. Site and building design in the GC Zone is intended to comply with pedestrian- and human-scale policies of the Comprehensive Plan, while recognizing and providing for Uses that may conflict with pedestrian access and the character of the other commercial zones.

## Section 3.20.20 - GENERAL PROVISIONS - Establishment of the GC Zone

Zone Changes to establish new GC Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The GC Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Involvement. The following locational and dimensional criteria shall apply to any new GC Zone.

- a. Locational Criteria - The following locational criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes.
  1. The GC Zone shall have at least 50 ft. of frontage along a Collector or Arterial Street, as designated in the Corvallis Transportation Plan;
  2. New GC Zones are discouraged from abutting land designated Low Density Residential on the Comprehensive Plan Map.
- b. Zone Size and Dimensions - The minimum contiguous area for a new GC Zone is five acres. Additionally, when multiple lots or parcels are included, portions of individual lots or parcels at least one acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zone designation. Public street rights-of-way shall not count toward the total area of a zone.

## Section 3.20.30 - PERMITTED USES

Land use in the GC Zone shall conform to the list of Permitted Use Types in Table 3.20-1 - Permitted Use Types. Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.3 - Conditional Development Review and Chapter 2.5 - Planned Development Review are identified with a CD and a PD, respectively. Uses identified with an N are not permitted.

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>
a. Prior Established Uses <sup>11</sup>	
1. Uses existing prior to December 31, 2006, and in compliance with the Code on that date	P
2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P
b. Civic Use Types	

<sup>11</sup> Uses that were in existence and permitted in zoning prior to December 31, 2006, and are now in the GC Zone, shall not be classified as Nonconforming Uses unless they have been discontinued for a period of at least 18 months, in which case, the requirements of Section 1.4.40.03 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements. Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2006, are allowed pursuant to the requirements of Section 1.4.30.

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>
1. Essential Services - subject to standards in Chapter 4.9 - Additional Provisions	P
2. Group Assembly	PC
3. Minor Utilities - subject to standards in Chapter 4.9 - Additional Provisions	P
4. Major Services and Utilities - transit and similar facilities	P
5. Parking Services	P
6. Parks - includes plazas and similar open spaces	P
7. Public Safety Services	P
8. <u>Wireless Telecommunication Facilities</u>	
a) Colocated/attached Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions	P
b) Freestanding Wireless Telecommunication Facilities	PC
c. Commercial Use Types	
1. Automotive and Equipment	P
2. <u>Animal Sales and Service</u>	P
a) Grooming	
b) Kennels	
c) Veterinary	
3. Building Maintenance Services	P
4. Construction Sales and Services	P
5. Communication Services	P
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
13. Vocational or Professional Training	P
14. Wholesale, Storage, and Distribution	P
d. Agricultural Use Types	
1. Horticultural – Cultivation, and Storage	P
e. Accessory Uses	
1. Day Care, Commercial Facility	P
2. Essential Services	P
3. Retail Sales	P
4. Professional and Administrative Services	P
5. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	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>
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
10. Garden	P
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.	P

### Section 3.20.40 - DEVELOPMENT STANDARDS

#### 3.20.40.01 - Use and Building Size Limitations

The maximum building footprint within the GC 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 GC Zone.

#### 3.20.40.02 - Lot Area

No minimum or maximum lot area standards are established in the GC Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this Zone.

#### 3.20.40.06 - General Landscaping Standards

All developments shall conform to the landscaping requirements of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, the following standards shall apply to developments in the GC Zone:

- a. Landscaping between GC Zone and Other Zones - Landscaping and screening is required between GC Zones and other zones, and shall consist of an effective combination of ground cover, shrubbery and trees, and fences and/or walls. Further, 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 lot boundary within 18 months following establishment of a Primary Use Type. Exceptions to this standard shall be provided for pedestrian accessways.

- b. Storage and Refuse Areas - Storage and refuse areas shall be screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, so that materials stored in those areas are not visible from streets, accessways, and adjacent properties.

### 3.20.40.10 - Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply, as follows, to development in the GC Zone:

- a. New development in the GC Zone on any site undeveloped prior to December 31, 2006, shall conform with Section 4.10.70 of Chapter 4.10 - Pedestrian Oriented Design Standards as follows:  
[...]

## Section 31.

<p>Table 3.21-1 Permitted Use Types</p> <p>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</p>	
<i>Use Types</i>	<i>Permit Procedure</i>
a. Civic Use Types	
1. Administrative Services	P
2. Social Service Facilities	P
3. Community Recreation	P
4. Cultural Exhibits and Library Services	P
5. Group Assembly	P
6. Major Services and Utilities - except Transit Facilities	CD
7. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions	PC
8. Parking Services	P
9. Public Safety Services	P
10. Transit Facilities	P
11. Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.	P
12. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing requirements of Sections 4.9.60.02.b and 4.9.60.02.c, subject to the standards in Chapter 4.9 - Additional Provisions.	CD
13. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.	PC

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>
14.	Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.	CD
b.	Commercial Use Types	
1.	Agricultural Sales	P
2.	<u>Animal Sales and Services</u> -	
a)	Grooming	P
b)	Veterinary - small animals	P
c)	Indoor Kennels - with sound attenuation	P
3.	<u>Automotive and Equipment</u> -	
a)	Car Wash	CD
b)	Fleet Storage	CD
c)	Parking Services	CD
d)	Light Equipment Repairs	CD
e)	Heavy Equipment Repairs	CD
4.	Building Maintenance Services	P
5.	Business Equipment Sales and Services	P
6.	Business Support Services	P
7.	Communication Services	P
8.	Construction Sales and Service	P

<p>Table 3.21-1 Permitted Use Types</p> <p>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</p>		
<i>Use Types</i>		<i>Permit Procedure</i>
9.	Personal Services	P
10.	Day Care, Commercial Facility	P
11.	Drive-through Facilities	CD
12.	Eating and Drinking Establishments - more than 30 seats	CD
13.	Eating and Drinking Establishments - 30 seats or less	P
14.	Financial, Insurance, and Real Estate Services	P
15.	Funeral and Internment Services	P
16.	Laundry Services	P
17.	Lodging Services	P
18.	Medical Services	P
19.	Parking Lot Kiosks	P
20.	Participant Sports and Recreation	P
21.	Professional and Administrative Services	P
22.	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, or RS-9 Zone, the threshold is 20 ft. above the height of the structure or 65 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



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>
23. Repair Services - Consumer 24. Research Services 25. Retail Sales 26. <u>Spectator Sports and Entertainment</u> - a) Limited b) Other - Indoor facilities only 27. Technology and Support Services 28. University Related Services 29. Vocational or Professional Training 30. Wholesaling, Storage and Distribution	P P P P CD P P P P
[...]	

### Section 32.

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	
<i>Use Types</i>	<i>Permit Procedure</i>
[...]	
c. Commercial Use Types - contained within enclosed building	
1. Building Maintenance Services	P
2. Construction Sales and Services	P
3. Communication Services	P

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
4. Financial, Insurance, and Real Estate Services - when located in building containing over 10,000 sq. ft. of gross floor area	P
5. 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

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
11. Technology and Support Services	P
12. Vocational or Professional Training	P
[...]	
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, or RS-9 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

### Section 33.

#### 3.26.30.01 - Ministerial Development

- a. Primary Uses Permitted Outright - Consistent with a previously approved Conceptual Development Plan.
2. Commercial Use Types -
  - a) Communications Services
  - b) Eating and Drinking Establishments, one per development site
  - c) Professional and Administrative Services - minimum building size of 800 sq. ft.
  - d) Research Services
  - e) Technology and Support Services
  - f) Vocational or Professional Training
3. Commercial 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) Personal Services

- d) Eating and Drinking Establishments, 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
- j) Retail Sales

***Section 34.***

3.27.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types - All Residential Use Types are subject to compliance with Section 3.27.40.01 - Preservation of Industrial Land Supply.
  - a) Family
  - b) Group Residential
  - c) Group Residential/Group Care
  - d) Residential Care Facilities
2. Residential Building Types -
  - a) Single Detached - existing prior to adoption of this Code
  - b) Single Attached - zero lot line - two units
  - c) Duplexes - existing prior to the adoption of this Code
  - d) Attached - Townhouse
  - e) Multi-dwelling - includes freestanding buildings and dwelling units in commercial or industrial buildings
  - f) Accessory Dwelling
3. Civic Use Types -
  - a) Administrative Services
  - b) Social Service Facilities
  - c) Cultural Exhibits and Library Services

- d) Group Assembly
- e) Parking Services
- f) Postal Services
- g) Public Safety Services
- i) Transit Facilities
- 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 (\*) 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\*
- c) Animal Sales and Services
  - 1) Grooming
  - 2) Veterinary\*
  - 3) Indoor Kennels - with sound attenuation\*
- d) Building Maintenance Services\*
- e) Business Equipment Sales and Services
- f) Business Support Services
- g) Communications Service Establishments\*
- h) Construction Sales and Service\*
- i) Personal Services
- j) Day Care, Commercial Facility
- k) Eating and Drinking Establishments - 30 seats or less
- l) Financial, Insurance, and Real Estate Services
- m) Laundry Services\*
- n) Participant Sports and Recreation - Indoor facilities limited to less than 299 capacity
- o) Professional and Administrative Services

- p) Repair Services - Consumer\*
- q) Research Services\*
- r) Retail Sales - limited to 10,000 sq. ft. of floor area per building
- s) Technology and Support Services - 20 or fewer employees per shift\*
- t) Temporary Outdoor Markets\*
- u) Vocational or Professional Training\*
- v) Wholesaling, Storage and Distribution\* (Only Light, and Mini-Warehouses can count towards Industrial FAR)

5. Industrial Use Types -

- a) Limited Manufacturing
- b) General Industrial

6. Agricultural Use Types -

- a) Horticulture - Cultivation, and Storage

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 - 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. Technology and Support Services - more than 20 employees per shift\*
- i. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
- j. 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.
- k. 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.
- l. 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. 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.
- c. Residential and/or Commercial 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.
- d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

#### 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

- a. A minimum floor area ratio (FAR) of 0.25 of Industrial structure/Use is required for all properties with a Comprehensive Plan Map designation of industrial. This requirement is to ensure that industrial land is preserved for primarily industrial purposes. This provision does not apply when a Commercial Use in an industrially designated property is applied to an existing residential building that existed prior to the adoption of this MUE Zone. This provision also does not apply when a Residential Use is applied to an existing commercial

building within an industrial zone that existed prior to the adoption of this MUE Zone. This provision also does not apply to existing or new civic uses in the MUE Zone. The Industrial Uses on an MUE site are required to be developed prior to or concurrently with Residential and Commercial Uses, with the exception of Residential and/or Commercial Uses in existence as of the adoption of this MUE Zone.

- b. When a project is composed of two or more phases, the mixed use site shall be reviewed as a Planned Development in accordance with Chapter 2.5 - Planned Development, and each phase shall meet the minimum 0.25 FAR as described in "a," above.
- c. Where the square footage of the Residential and/or Commercial Use(s) exceeds the square footage of the Industrial Use(s), the development site shall be subject to a Plan Compatibility Review process in accordance with Chapter 2.13 - Plan Compatibility Review.
- d. When an MUE Zone is approved for a site, a deed restriction recognizing the industrial character and underlying industrial land use designation of the property shall be recorded on the parcel(s) involved at the time the MUE Zone is approved.
- e. As provided in the introductory statement of Section 3.27.30.01.a.4, Commercial Use Types listed in that Section 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) and square footages as required in this "a," above. The provisions in this Section are intended to protect the City's inventory of Industrial land, in conformance with Statewide Goal 9 - Economic Development, and the Comprehensive Plan. By preserving a minimum amount of land in the MUE Zone that must be used for industrial (i.e., employment) purposes, the City can ensure compliance with Goal 9.

#### 3.27.40.02 - Minimum Setback Requirements

- a. A setback of not less than 25 ft. shall be provided along each MUE Zone boundary line abutting any residential (RS) zone. Off-street parking and loading shall be permitted in this area except within 15 ft. of the Zone boundary line, which shall not be used for any Permitted Use, activity, or structure other than fences, walls, driveways, or walkways. Driveways, parking, and loading areas adjacent to residential zones shall be landscaped and screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
- b. The minimum setback requirements for structures containing a Residential Use shall be in accordance with Chapter 3.8 - High Density (RS-20) Zone and the Mixed Use Design Guidelines in this Chapter.
- c. For maximum permitted setbacks, refer to Section 3.27.50.02.

#### 3.27.40.03 - Structure Height

Structure height shall not exceed 45 ft. on sites that have a Comprehensive Plan Map Designation of Limited Industrial or Mixed Use Employment, unless developed as a Planned Development in accordance with Chapter 2.5 - Planned Development, in which case the structure height may be increased to 75 ft. consistent with Section 3.27.50.09. If a site's Comprehensive Plan Map designation is General Industrial, General Industrial-Office, or Intensive Industrial, structure heights may be 75 ft.

#### 3.27.50.09 - Neighborhood Compatibility - Minimum Standards Adjacent to a Residential Zone



- a. Height Step-down - New building roof elevation(s) shall gradually step down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures by more than one story. This provision applies to the closest 20 ft. of the structure(s) in the MUE Zone.

***Section 35.***

**3.36.30.01 – General Development for University-owned Properties**

**a. Primary Uses Permitted Outright**

**1. Residential Use Types -**

- a) Family
- b) Group Residential
- c) Group Residential/Group Care
- d) Residential Care Facilities

**2. Residential Building Types -**

- a) Single Detached
- b) Single Detached - Zero Lot Line
- c) Duplex
- d) Single Attached - Zero Lot Line, two units
- e) Attached - Townhouse
- f) Multi-dwelling

**3. Civic Use Types -**

- a) Administrative Services
- b) Community Recreation
- c) Cultural Exhibits and Library Services
- d) Group Assembly
- e) Parking Services
- f) Public Safety Services
- g) University Services and Facilities - Commercial Uses that are considered to be University Services and Facilities under this Code include, but are not limited to:
  - 1) Communication Service Establishments;
  - 2) Professional and Administrative Services;
  - 3) Research Services;
  - 4) Eating and Drinking Establishments;
  - 5) Lodging Services;
  - 6) Retail Sales;

- 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.
- h) 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

### ***Section 36.***

#### **Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS**

- k. Location, grades, alignments, and widths for all public and private streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided that the safety and capacity of the street network is not adversely effected. The following standards shall apply:
  - 8. Right-of-way and improvement widths shall be as specified in the Transportation Plan.  
 Exceptions to this standard:
    - Designated Shopping Streets (Section 4.0.60.m)
    - Urban Commercial Street and Sidewalk Standards (Section 4.0.60.n)
    - OSU Streets (Section 3.36.60.18)
- n. Urban Commercial Street and Sidewalk Standards
  - 1. Applicability - The following minimum design standards shall apply to right-of-way abutting:
    - i. Property zoned Central Business (CB), Riverfront (RF), or Commercial Mixed Use 3 (CMU-3); or
    - ii. 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 - Urban Commercial Street and Sidewalk Standards.

Table 4.0-3- Urban Commercial Street and Sidewalk Standards <sup>1, 5, 8</sup>				
	Arterial Highway	Arterial	Collector	Local
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.)
<p>1. These standards do not preclude the flexibility currently allowed through the Planned Development process in Chapter 2.5 - Planned Development.</p> <p>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.</p> <p>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.</p> <p>4. Tree wells shall be constructed consistent with detail TBD.</p> <p>5. Where existing streets are proposed to have a reduced curb to curb width, prior approval shall be required by the City Engineer.</p> <p>6. One way streets shall only be required to provide 1 bike lane.</p> <p>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.</p> <p>8. Where adequate right-of-way exists, the required improvements in this table may be modified to the satisfaction of the City Engineer.</p> <p>9. On streets where sharrows have been approved, bike lanes may not be required.</p>				

[...]

## Section 4.0.100 - LAND FOR PUBLIC PURPOSES

[...]

- 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. The Director may allow alternatives to this requirement on a case-by-case basis, with the concurrence of the City Engineer and affected utility companies.

[...]

**Section 37.****Section 4.1.20 - GENERAL PROVISIONS**

[...]

- g. Mixed Uses - When several Uses occupy a single structure or lot, the total required vehicle and bicycle parking shall be the sum of the requirements of individual Uses. However, no vehicle parking is required for a Mixed Use Building that meets the provisions of LDC 4.9.100 – Mixed Use Building Incentives.

[...]

- o. Fee-In-Lieu Parking Programs – Upon creation of a fee-in-lieu program for vehicle or bicycle parking, some or all of the required vehicle or bicycle parking may be provided by paying the required fee per space
- p. Maximum Parking Allowed - No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30, below, except as provided in "p," below, and in Section 4.1.30.g.3.b.
- q. Structured Parking Required - For Commercial, Civic, and Industrial development with vehicle parking in excess of the minimum required, up to 200 unstructured vehicle parking spaces shall be allowed for each of the first three stories of structures within the development site, not to exceed the maximum parking allowed in "p," above. All non-required vehicle parking in excess of the 200 per story shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below. When multiple structures are located on an individual development site, the parking associated with each floor of all structures on the development site shall be added together when calculating the threshold of 200 spaces per story in this provision. For this Section, required handicapped spaces do not count toward the minimum parking requirement.
- r. Reductions to Minimum Vehicle Parking Requirements – After calculating the minimum vehicle parking requirements in Section 4.1.30, the following reductions apply:
  - 1. Commercial Mixed Use 1 (CMU-1) Zone: One-third reduction
  - 2. Commercial Mixed Use 2 (CMU-2) Zone: Two-thirds reduction
  - 3. Commercial Mixed Use 3 (CMU-3) Zone: Full reduction (no vehicle parking required)
  - 4. A reduction of up to 10 percent of required vehicle parking is allowed if a transit stop, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft.
  - 5. For every eight required bicycle parking spaces, required vehicle parking is reduced by one space, up to the maximum of a 10 percent vehicle parking reduction.
  - 6. For every four additional bicycle parking spaces provided over the minimum requirement, required vehicle parking is reduced by one space, up to the maximum of a 10 percent vehicle parking reduction. Fifty percent of these additional bicycle parking spaces shall be covered, consistent with Section 4.1.70.d.1.
  - 7. No vehicle parking is required for a Mixed Use Building that meets the provisions of LDC 4.9.100 – Mixed Use Building Incentives.

8. 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.
- s. Handicapped Parking Exception - Required handicapped spaces do not count toward the maximum parking spaces allowed pursuant to Sections 4.1.20.p and 4.1.20.q, above.
- t. Compliance with Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources Provisions - 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.
- u. Carpool and vanpool parking.
  1. Designated carpool and vanpool parking areas shall be required in new commercial, industrial, and civic developments that have more than 20 required vehicle parking spaces.
  2. Five spaces or 5% of the required parking spaces, whichever is less, shall be designated as preferential carpool and vanpool parking spaces.
  3. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA accessible parking spaces.
  4. Required carpool/vanpool spaces shall be clearly marked "Reserved – Carpool/Vanpool Only."
- v. Parking area redevelopment for transit-oriented improvements - Portions of existing parking areas may be redeveloped for transit-oriented improvements, such as transit stops and park-and-ride facilities, when found consistent with adopted long-range plans of the Corvallis Transit System. Minimum parking requirements pursuant to Section 4.1.30 must be met and may be modified through reductions permitted in Section 4.1.20.q.

#### Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

[...]

#### b. Civic 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. Administrative Services - One space per 400 sq. ft. of gross floor area.
2. Community Recreation Buildings - One space per 200 sq. ft. of gross floor area.
3. Cultural Exhibits -
  - a) Vehicles - One space per 200 sq. ft. of gross floor area.

- b) Bicycles - 30 percent of required vehicle parking.
- 4. Day Care/Small Schools - Two spaces per classroom.
- 5. Hospitals - One space per 1,000 sq. ft. of gross floor area.
- 6. Library Services -
  - a) Vehicles - One space per 1,000 sq. ft. of gross floor area.
  - b) Bicycles - 30 percent of required vehicle parking.
- 7. Group Assembly -
  - a) One space per four fixed seats or stools, where 24 lineal in. of bench shall be considered one seat; and one space per 50 sq. ft. of public assembly area where there are no fixed seats.
- 8. Public Safety Services - Two spaces per bed for sleeping accommodation areas, or as per Administrative Services requirements.
- 9. Schools -
  - a) Vehicles –
 

1)	Preschool/Kindergarten	Two spaces per teacher
2)	Elementary	Two spaces per classroom
3)	Middle School/Junior High	Three spaces per classroom
4)	Senior High, Vocational (or similar institutions), or University	Six spaces per classroom
  - b) Bicycles –
 

1)	Preschool/Kindergarten	10 percent of required vehicle parking
2)	Elementary	Eight spaces per classroom
3)	Middle School/Junior High	Eight spaces per classroom
4)	Senior High	Eight spaces per classroom
5)	Vocational (or similar institutions), or University	Eight spaces per classroom, plus 25 percent of required vehicle parking
- 10. Social Services Facility - One space per 400 sq. ft. of gross floor area.
- 11. Transit Stops -
  - a) Bicycles - Parking consistent with Corvallis Transit Development Plan, Figure 55 Bus Stop Amenity Guidelines, and in coordination with Corvallis Transit System.
- 12. Transit Centers –

- a) Bicycles - Parking consistent with Corvallis Transit Development Plan and in coordination with Corvallis Transit System.

c. Commercial Use Types (for accompanying office and indoor service areas)  
[...]

10. Construction Sales and Service - One space per 400 sq. ft. of gross floor area.
11. Eating or Drinking Establishments - One space per four fixed seats or stools where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. of dining or drinking area where there are no fixed seats.
12. Explosive Storage - One space per 5,000 sq. ft. of gross floor area.
13. Financial, Insurance, and Real Estate Services - One space per 400 sq. ft. of gross floor area.
14. Fuel Sales - One space per 400 sq. ft. of gross floor area.
15. Funerals and Interment Services -
  - a) Crematory and Undertaking - One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. of public assembly area where there are no fixed seats.
  - b) Interring and Cemeteries - Exempt.
16. Laundry Service - One space per 400 sq. ft. of gross floor area.
17. Lodging Services -
  - a) Vehicles -
 

1)	Campground	One space per designated camping space
2)	Lodging	One space per guest room or suite
  - b) Bicycles -
 

1)	Campground	Exempt
2)	Lodging	10 percent of required vehicle parking
18. Medical Services - One space per 200 sq. ft. of gross floor area.
19. Participant Sports or Recreation -
  - a) Vehicles -
 

1)	Indoor	
a.	Bowling Areas	Three spaces per alley and, for any Eating and Drinking Establishment areas, the same requirements as Eating and Drinking Establishments
b.	All Others	One space per four fixed seats, where 24 lineal in. of bench shall be

considered one seat, for visitor seating; and one space per four participants based on projected participant capacity  
 One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, for visitor seating; and one space per four participants based on projected participant capacity

2) Outdoor

b) Bicycles - 20 percent of required vehicle parking.

20. Personal Services – One space per 400 sq. ft. of gross floor area.

21. Repair Services, Consumer - One space per 400 sq. ft. of gross floor area.

22. Research Services - One space per 300 sq. ft. of gross floor area.

23. Retail Sales, Bulky Merchandise - such as furniture or motor vehicles - One space per 800 sq. ft. of gross floor area.

24. Retail Sales - One space per 400 sq. ft. of gross floor area.

25. Scrap Operations - One space per 400 sq. ft. of gross floor area.

26. Spectator Sports and Entertainment -

a) Vehicles - 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.

b) Bicycles - 20 percent of required vehicle parking.

27. 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.

28. 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.

29. Wholesaling, Storage, and Distribution - One space per 5,000 sq. ft. of gross floor area.

[...]

g. Commercial Mixed Use 3 (CMU-3), Central Business (CB) and Riverfront (RF) Zones Parking Requirements -

1. Parking Minimums – Off-street automobile parking is not required in the CMU-3 Zone. 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 -
    - 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. Vehicle Parking Maximums -
- a) Except as described in "b," below, the maximum parking allowance in the Commercial Mixed Use 3 (CMU-3), 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 4.1.20.o 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 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS

All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets must be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this Section and the City's Site Development Design Standards, established by the City Engineer and as amended over time. A permit from the Development Services Division is required to construct parking, loading, and access facilities.

- a. Access to Arterial, Collector, and Neighborhood Collector Streets
  1. Off-street facilities must be designed and constructed with turnaround areas to prevent vehicle back-up movement onto Arterial Streets.
  2. Location and design of all accesses to and/or from Arterial, Collector, and Neighborhood Collector Streets, as designated in the Corvallis Transportation System Plan, are subject to review and approval by the City Engineer.
  3. When developed property will be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in "2," above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.
- b. Access to Unimproved Streets
  1. Development may occur without access to a street built to City standards when that development constitutes infill on an existing substandard public street. A condition of development shall be to prepay the City for future street improvements according to current policies and procedures. This shall be required with approval of any of the following applications:
    - a) Land Divisions;
    - b) Conditional Developments;
    - c) Building Permits for new nonresidential construction or structural additions to nonresidential structures, except Accessory Development; and/or
    - d) Building Permits for new residential units.
  2. The City Engineer may allow the developer to sign an irrevocable petition for public street improvements in lieu of prepayment if it is determined that:
    - a) Existing development along a particular street corridor is so extensive that the ability to fund a future street improvement project through the collection of additional prepayment fees is limited;

- b) Future improvement scenarios are uncertain to the extent that an estimate for street improvements cannot be generated with any degree of confidence; or
- c) The street is listed as a Legacy Street per City Council Resolution 2017-13, or as amended
- d) An exception to the paving requirements for the existing dedicated right-of-way may be allowed if all of the following conditions are met for accessways per Section 2.4.90.08:
  - 1. The Accessway connects to a paved street that is a minimum of 20 ft. wide;
  - 2. The Accessway serves a single parcel 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. Vision Clearance - Except within the Commercial Mixed Use 3 (CMU-3), Central Business (CB), and Riverfront (RF) Zones, Vision Clearance Areas must 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 is determined from standards adopted by the City Engineer and also contained in the City Site Development Design Standards.

- d. Backing or Maneuvering of Vehicles - For developments requiring four or more parking spaces, vehicular backing or maneuvering movements are not permitted 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. When evaluating other requests for exceptions, the City Engineer will 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. Driveways -
  - 1. Driveways must comply with the City's Site Development Design Standards. The location and design of the driveway within the lot frontage must 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, as provided in the City Site Development Design Standards.
  - 2. Driveway curb cut width must not exceed 40 percent of the lot's front lot line dimension, up to a maximum of 20 feet (for residential building types with less than 5 units), or 24 feet (residential multi-dwelling (5 units or more), mixed-use, and non-residential development). Lots with a front lot line dimension of less than 50 feet are limited to one curb cut. The following exceptions apply:

- a. Residential development on a corner lot containing between two and four units may have two curb cuts, one on each street frontage, each with a maximum width of 12-ft.
  - b. The maximum width for multi-dwelling (5 units or more) and commercial development may be increased to accommodate additional drive aisles that provide turning lanes for site egress.
  - c. The driveway provides access to a Flag Parcel.
  - d. Steep terrain in excess of a 15 percent grade prevents compliance.
- 3. Vehicle entries/exits serving off-street parking facilities shall not be allowed along First Street.
- f. 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 must be provided via parking lots and/or drives.
- g. 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.

Section 4.1.50 - Redacted.

#### 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:

- a. Each loading berth shall be at least 35 ft. by 10 ft. and shall have a minimum height clearance of 14 ft.;
- b. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer;
- c. Entrances and exits shall be provided at locations approved in accordance with applicable City ordinances and state statutes;
- d. No on-site loading facilities shall be required where buildings abut a public alley, provided that loading operations can be conducted from the alley in accordance with applicable traffic and parking ordinances; and
- e. Buffering for off-street loading is required and shall be the same as buffering for parking lots in accordance with Section 4.1.40.

#### Section 4.1.70 - STANDARDS FOR BICYCLE ACCESS AND PARKING

- d. Covering

1. At minimum, 50 percent of the required bicycle parking shall be covered unless the facility is in a public park, the Commercial Mixed Use 3 (CMU-3) Zone, Riverfront (RF) Zone, or the Central Business (CB) Zone.

### ***Section 38.***

#### **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 planting strips or within areas specified in a City-adopted street tree plan. If street trees are required and City-standard planting strips are not provided, the applicant shall utilize the “Tree for a Fee” program in order to satisfy the street tree requirements of this Code. If City-standard planting strips are not available for tree planting due to tree / utility spacing conflicts as identified in LDC Section 4.2.30.b, the applicant may utilize the “Tree for a Fee” program in order to satisfy the street tree requirements of this Code. Alternatively, the applicant can relocate the utility line and/or other features identified in LDC Section 4.2.30.b, in order to install the required street trees consistent with the spacing standards in LDC Section 4.2.30.b.

An exception to street tree requirements applies in cases where planting strips have been eliminated from a street due to a protected Natural Features area(s), as required in Chapter 4.0 of this Code, in which case no street trees are required for the segment of street crossing the protected Natural Features area(s).

- 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), Riverfront (RF), and Commercial Mixed Use 3 (CMU-3) Zones; and
- c) Planting strips on Local Connector and Local Streets shall be planted with medium canopy trees.

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), Riverfront (RF), and Commercial Mixed Use 3 (CMU-3) Zones;

#### **Section 4.2.70 - GATEWAY PROVISIONS**

Development in designated Gateway areas, as defined in the Comprehensive Plan, shall comply with the additional provisions of this Section.

##### **4.2.70.01 - Gateway Provisions for Development Along South Third Street**

Within the Limited Industrial-Office (LI-O), General Commercial (GC), Commercial Mixed Use 2 (CMU-2), and Mixed Use Community Shopping (MUCS) zones, the following standards shall apply:

- a. **Street Trees and Streets** - A double row of street trees along street frontages shall be required, as shown below in Figure 4.2-2 - Gateway Features. Properties zoned MUCS or CMU-2 are exempt from this double row of trees requirement. Other street improvements, such as for sidewalks, bicycle lanes, transit facilities, and roadways, shall conform to the provisions of this Code including all chapters in Article IV, unless more restrictive provisions are established in this Chapter.

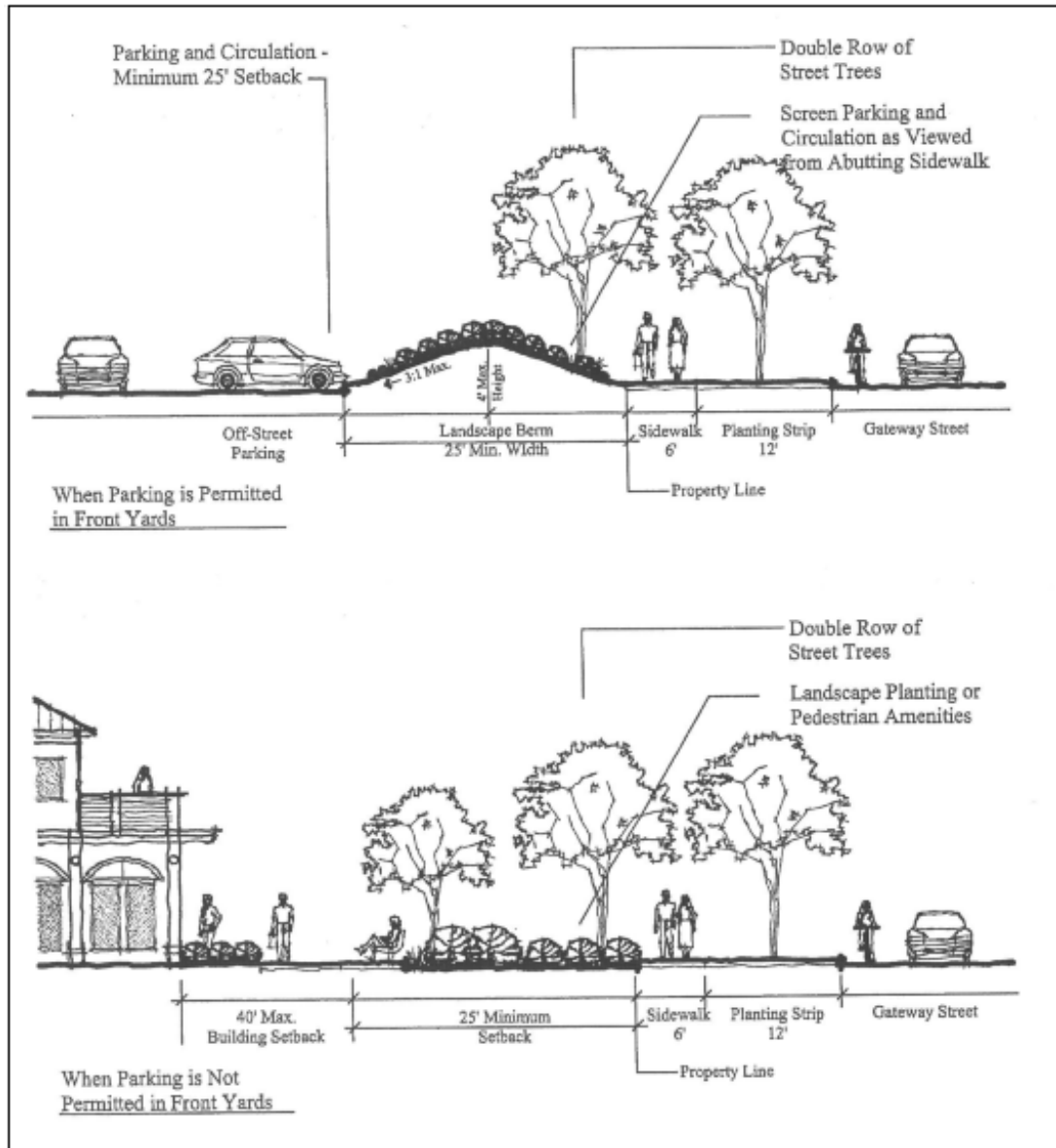


Figure 4.2-2 – Gateway Features

- b. **Landscaping** - Areas within required setbacks adjacent to a Gateway Street, considered to be the gateway landscape area, shall be landscaped with a combination of ground cover, shrubbery, and trees to serve as buffering between the development and the Gateway Street, in accordance with this Chapter. While properties zoned MUCS or CMU-2 shall provide

required landscaping, they are exempt from the portion of this requirement that pertains to buffering of buildings.

Screening shall block views of the paved surfaces of parking and circulation areas for pedestrians on the abutting public sidewalk, such as on South Third Street, in accordance with this Chapter and the following special screening standards:

- 1. Screening shall be provided with planted berms with a maximum slope of 3:1, or other effective terrain features, but shall not block the view(s) of building facades from the Gateway Street. See Figure 4.2-2 - Gateway Features; and
- 2. Mulch, rocks, and other non-plant ground cover material shall not be permitted as screening, but shall be allowed to aid in the establishment of plants and to control erosion.

Section 39.

Section 4.7.50 - PROHIBITED SIGNS

- 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 Commercial Mixed Use, Central Business, and Riverfront Zones, and the Portable Sign definition in Chapter 1.6 - Definitions;
- o. Pole-mounted, freestanding signs in the Neighborhood Center (NC), Commercial Center 1 (CC-1) and Commercial Center 2 (CC-2) Zones.

4.7.90.01 - Sign Standards for All Residential Zones Except MUR, RMU-12, and RMU-20

- a. Table 4.7-1 and its associated special instructions in "b," below, outline the sign standards for all residential zones except the Mixed Use Residential (MUR) Zone, Residential Mixed Use 12 (RMU-12) Zone, and Residential Mixed Use 20 (RMU-20) Zone. The zones subject to this Section include:
  - 1. RS-1;
  - 2. RS-3.5;
  - 3. RS-5;
  - 4. RS-6;
  - 5. RS-9;
  - 6. RS-12; and
  - 7. RS-20.

Table 4.7-1 - Residential Zones Except MUR, RMU-12, and RMU-20					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	0.10 sq. ft.	5 sq. ft.	16 ft.	6 in.	NA
Temporary	0.10 sq. ft.	5 sq. ft.	4 ft.	NA	NA

- b. Special Instructions -
  - 1. Attached signs shall not extend above eaves.
  - 2. Unless specified below, signs shall be limited to one frontage.
  - 3. Where a primary frontage exceeds 100 ft.:

- a) Permanent monument signs are allowed - minimum setback is five ft.;
  - b) Maximum height for temporary and monument signs is six ft.;
  - c) Maximum Sign Area is 16 sq. ft.; and
  - d) Illuminated signs are permitted.
4. Banner signs that comply with Section 4.7.80.05 shall be permitted on properties with more than 200 ft. of primary sign frontage.

4.7.90.02 - Sign Standards for the MUR Zone, RMU-12 Zone, RMU-20 Zone, and the Monroe Avenue Minor NC or CMU-1 Zones

- a. Table 4.7-2 and its associated special instructions in "b," below, outline the sign standards for the:
- 1. Mixed Use Residential (MUR) Zone
  - 2. Residential Mixed Use 12 (RMU-12) Zone;
  - 3. Residential Mixed Use 20 (RMU-20) Zone
  - 2. Minor Neighborhood Center (Minor NC) or Commercial Mixed Use 1 (CMU-1) elements of the Neighborhood Center (NC) Zone on the north side of Monroe Avenue, between 14th and 26th streets.

Table 4.7-2 – MUR, and Monroe Avenue Minor NC and Commercial Mixed Use 1 Zones					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	32 sq. ft.	20 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	32 sq. ft.	6 ft. for MUR; 8 ft. for Minor NC on Monroe Ave.	See 4.7.80	5 ft.
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	5 ft.

- b. Special Instructions -
- 1. Attached signs may project over the right-of-way.
  - 2. Height of attached signs shall not exceed four ft. above the eave or parapet.
  - 3. Banner signs that comply with Section 4.7.80.05 are permitted.
  - 4. Illuminated signs are permitted.

- c. Portable Signs within the CMU-1 Zone – See Section 4.7.90.04.c.

4.7.90.03 - Sign Standards for the Minor NC and Commercial Mixed Use 1 (Except Monroe Avenue), P-AO, and RTC Zones

- a. Table 4.7-3 and its associated special instructions in "b," below, outline the sign standards for the:
- 1. Minor Neighborhood Center (Minor NC) elements of the Neighborhood Center Zone, and the Commercial Mixed Use 1 (CMU-1) Zone, except the one along Monroe Avenue which is addressed in Section 4.7.90.02;
  - 2. Professional and Administrative Office (P-AO) Zone; and
  - 3. Research Technology Center (RTC) Zone.

Table 4.7-3 - Minor NC and CMU-1 (Except Monroe Avenue), P-AO, and RTC Zones					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	100 sq. ft.	25 ft.	See 4.7.80	NA



Monument	1.5 sq. ft.	100 sq. ft.	8 ft. for Minor NC; 12 ft. for PA-0 and RTC.	See 4.7.80	5 ft.
Pole	1.5 sq. ft.	100 sq. ft.	20 ft.; Prohibited in Minor NC	See 4.7.80	5 ft.
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	NA

b. Special Instructions -

1. Height of attached signs shall not exceed four ft. above the eave or parapet.
2. Banner signs that comply with Section 4.7.80.05 shall be permitted.
3. Illuminated signs are permitted.

c. Portable Signs within the CMU-1 Zone – See Section 4.7.90.04.c.

4.7.90.04 - Sign Standards for the Major NC, MUCS, GC, CB, CBF, RF, CMU-2, CMU-3, LI-O, LI, GI, II, MUT, and MUE Zones

a. Table 4.7-4 and its associated special instructions in "b," below, outline the sign standards for the:

1. Major Neighborhood Center (Major NC) element of the Neighborhood Center Zone;
2. Mixed Used Community Shopping (MUCS) Zone;
3. General Commercial (GC) Zone;
4. Central Business (CB) Zone;
5. Central Business Fringe (CBF) Zone;
6. Riverfront (RF) Zone. Further restrictions on the Riverfront (RF) Zone are contained in Section 3.15.80 of Chapter 3.15 - Riverfront (RF) Zone;
7. Commercial Mixed Use 2 (CMU-2) Zone
8. Commercial Mixed Use 3 (CMU-3) Zone
9. Limited Industrial - Office (LI-O) Zone;
10. Limited Industrial (LI) Zone;
11. General Industrial (GI) Zone;
12. Intensive Industrial (II) Zone;
13. Mixed Use Transitional (MUT) Zone; and
14. Mixed Use Employment (MUE) Zone.

Table 4.7-4 - Major NC, MUCS, GC, CB, CBF, RF, CMU-2, CMU-3, LI-O, LI, GI, II, MUT and MUE Zones					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	200 sq. ft.	25 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	200 sq. ft.	12 ft. unless specified differently per zone or gateway standards.	See 4.7.80	NA
Pole	1.5 sq. ft.	200 sq. ft.	25 ft. unless specified differently per zone. Prohibited in gateways and Major NC	See 4.7.80	NA
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	NA

b. Special Instructions -

1. Attached signs may project over the right-of-way only in the Commercial Mixed Use 3 Zone, Central Business (CB) Zone and the Riverfront (RF) Zone.
  2. Height of attached signs shall not exceed four ft. above the eave or parapet.
  3. Illuminated signs are permitted.
  4. Banner signs that comply with Section 4.7.80.05 shall be permitted.
- c. Portable Signs within the Commercial Mixed Use (CMU), Central Business (CB) and Riverfront (RF) Zones -
- Portable Signs are permitted in the Commercial Mixed Use (CMU), Central Business (CB) and Riverfront (RF) Zones, subject to all of the following provisions, as applicable (See Sign, Portable in Chapter 1.6 - Definitions.):
1. All Portable Signs along street frontages shall adhere to "a," through "d," below, as applicable. However, in no case shall an individual business on a property have more than two Portable Signs per street frontage:
    - a) A minimum of four-ft. spacing shall be provided between signs, as well as between signs and abutting bicycle racks.
    - b) For properties containing less than 25 ft. of street frontage, up to two Portable Signs are permitted.
    - c) For properties with 25 ft. or more of street frontage, up to two Portable Signs are permitted for every 25 ft. of street frontage.
    - d) For corner properties, Portable Signs are permitted on each street frontage, per "a," through "c," above.
  2. Portable Signs are allowed on public sidewalks, either directly adjacent to the building or in the area of sidewalk immediately adjacent to the street curb where bicycle racks, newspaper dispensers, and trash bins are commonly located. However, at least four ft. of clear, continuous, and unobstructed sidewalk width shall be maintained for passage along the sidewalk. For properties with buildings setback five ft. or more from the public sidewalk, Portable Signs shall be placed on private property.
  3. Portable Signs are prohibited within the following areas:
    - a) Vision Clearance Areas, as defined by Chapter 1.6 - Definitions and the Off-street Parking and Access Standards. While the Off-street Parking and Access Standards exempt development within the Central Business Zone, Riverfront Zone, and Commercial Mixed Use 3 Zone from Vision Clearance Area requirements, Portable Signs shall be subject to them for the purposes of this provision. Street intersections shall use the Vision Clearance triangle noted in Figure 2 of the Off-Street Parking and Access Standards; and
    - b) Standard and bulbed sidewalk intersections.
  4. Portable Signs may only be displayed during business hours and shall be placed indoors overnight.
  5. A-frame and Pedestal Signs - Portable Signs referred to as A-frame Signs and Pedestal Signs shall be constructed of wood, metal, plastic, or other similar material. They shall be no larger than six sq. ft. per sign face and no taller than four ft., including the frame. (See subsections "a," and "b," of the definition for Sign, Portable in Chapter 1.6 - Definitions.)
  6. Easel Signs - Portable Signs referred to as Easel Signs shall be limited to no more than one sign per building entrance. Easel Signs shall be placed at the building entrance immediately abutting the building. They shall be no larger than six sq. ft. per sign face and no taller than six ft. in total height. (See subsection "c," of the definition for Sign, Portable in Chapter 1.6 - Definitions.)
  7. Vertically-oriented, Pole-mounted Banner Signs - Portable Signs referred to as Vertically-oriented, Pole-mounted Banner Signs are permitted within the area of sidewalk immediately adjacent to the street curb where bicycle racks, newspaper dispensers, and trash bins are commonly located (See Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign). They shall be no larger than six sq. ft., shall be mounted on a pole or pedestal secured into the sidewalk in a flush-mounted fashion that does not create a trip hazard, and shall be secured at the top and bottom where the

- sign attaches to the pole or pedestal. They shall be constructed of canvas, nylon, vinyl, or other flexible, weather-resistant fabric. (See subsection "d," of the definition for Sign, Portable in Chapter 1.6 - Definitions.)
- 8. No sign permit, or permit fee, is required for Portable Signs and the Sign Area of a Portable Sign shall not reduce a property's sign allocation.
  - 9. Sign owners shall be responsible for all liability issues related to their Portable Signs.

Section 40.

Section 4.9.70 - Redacted.

Section 4.9.80 - HOUSING TYPE VARIATION REQUIREMENTS PER RESIDENTIAL ZONE

A variety of Housing Types shall be provided for residential developments, in accordance with the provisions this Section, including the provisions in Table 4.9-1 - Options A and B for Developments Five - 10 Acres, Table 4.9-2 - Options A and B for Developments Greater than 10 acres, and Table 4.9-3 - Allowed Housing Types by Zone.

- a. RS-1, RS-3.5, RS-5, RS-6, and RS-9 Zones - The darker shading in the columns for these zones in Table 4.9-3 - Allowed Housing Types by Zone indicates permitted Housing and Building Types.
  - 1. Developments Less Than Five Acres - No Housing or Building Type variation is required, although Housing Type variations are encouraged.
  - 2. Developments Five - 10 Acres - At least two Housing or Building Types are required. Each required Housing or Building Type shall be at least 20 percent of the total units.
  - 3. Developments Greater Than 10 Acres - At least three Housing or Building Types are required. Each required Housing or Building Type shall be at least 20 percent of the total units.
- b. RS-12, RS-20, RMU-12, RMU-20, and MUR Zones - The lighter shading in the columns for these zones in Table 4.9-3 - Allowed Housing Types by Zone indicates permitted Housing and Building Types. The darker shading in the columns for these zones indicates "Option B" discussed in "2," and "3," below.
  - 1. Developments Less Than Five Acres - No Housing or Building Type variation is required, although Housing Type variations are encouraged.
  - 2. Developments Five - 10 Acres - Compliance is required with either Option A or Option B in Table 4.9-1 - Options A and B for Developments Five - 10 Acres.

Table 4.9-1 - Options A and B for Developments Five - 10 Acres	
Option A	Option B
Provide at least two Housing or Building Types from the lightly shaded choices in Table 4.9-3 - Allowed Housing Types by Zone.	Comply with both the apartment building and the bedroom requirements in the darkly shaded areas in Table 4.9-3 - Allowed Housing Types by Zone.
Each required Housing or Building Type shall be at least 20 percent of the total units.	

- 3. Developments Greater Than 10 Acres - Compliance is required with either Option A or Option B in Table 4.9-2 - Options A and B for Developments Greater Than 10 Acres.

Table 4.9-2 - Options A and B for Developments Greater Than 10 Acres
--

Option A	Option B
Provide at least three Housing or Building Types from the lightly shaded choices in Table 4.9-3 - Allowed Housing Types by Zone.	Comply with both apartment building and bedroom requirements in the darkly shaded areas in Table 4.9-3 - Allowed Housing Types by Zone.
Each required Housing or Building Type shall be at least 20 percent of the total units.	Additionally, add a second Housing or Building Type that is at least 20 percent of the total units and that is chosen from the lightly shaded choices areas in Table 4.9-3 - Allowed Housing Types by Zone.

Table 4.9-3 ALLOWED HOUSING TYPES BY ZONE				
BUILDING TYPES, PER CHAPTER 1.6 - DEFINITIONS	ALLOWED HOUSING TYPES BY ZONE			HOUSING TYPE CHOICES TO SATISFY HOUSING VARIATION REQUIREMENTS
	RS-1 & RS-3.5	RS-5, RS-6, & RS-9	RS-12, RS-20, MUR, RMU-12, & RMU-20	
Detached Single-family				1. Detached Single-family $\leq$ 1,200 sq. ft.
				2. Detached Single-family $>$ 1,200 sq. ft.
Detached Single-family (Zero Lot Line)				3. Detached Single-family $\leq$ 1,200 sq. ft.
				4. Detached Single-family $>$ 1,200 sq. ft.
Accessory Dwelling Unit				5. Accessory Dwelling
Attached Single-family (Zero Lot Line, two units)				6. Attached Single-family (two units) (each unit on an individual lot)
Duplex				7. Duplex units
Attached (more than two units)				8. Dwellings with three-five units (each unit on an individual lot or each unit individually owned within a multi-unit structure)*. Includes Townhouses, Rowhouses, Flats, Condominiums.  * RS-5 Zone limited to a maximum of three attached units per structure.
				9. Dwellings with $>$ five units (each unit on an individual lot or each unit with an individual ownership within a multi-unit structure). Includes Townhouses, Rowhouses, Flats, Condominiums.
Multi-dwelling				10. Triplexes and fourplexes (each unit not individually owned)*  * RS-5 Zone limited to triplexes

Table 4.9-3 ALLOWED HOUSING TYPES BY ZONE				
BUILDING TYPES, PER CHAPTER 1.6 - DEFINITIONS	ALLOWED HOUSING TYPES BY ZONE			HOUSING TYPE CHOICES TO SATISFY HOUSING VARIATION REQUIREMENTS
	RS-1 & RS-3.5	RS-5, RS-6, & RS-9	RS-12, RS-20, MUR, RMU- 12, & RMU-20	
				11. Apartment buildings with > four units (each unit not individually owned)
OPTION B for RS-12 and RS-20 Zones				Minimum of three types of apartment buildings in terms of number of units per building (must vary by at least two units). Each type shall comprise at least 10 percent of the buildings (e.g., may have a combination of buildings with 8, 10, and 12 units/building, etc.)
				Minimum of two types of units in terms of number of bedrooms and each type shall comprise at least 25 percent of the total number of units: Dwelling units with ≤ one bedroom Dwelling units with two bedrooms Dwelling units with ≥ three bedrooms

#### Section 4.9.100 – MIXED USE BUILDING INCENTIVES

A. As specified in subsection “B”, Mixed Use Buildings may be granted the following benefits:

1. An 18-ft. bonus to the maximum height established in the Zone, and;
2. No minimum required vehicle parking.

B. In order to gain the benefits in subsection “A”, a Mixed Use Building must feature the following:

1. At least 50% of the first floor Gross Floor Area must be occupied by nonresidential uses, which may include uses that are accessory to nonresidential uses, and;
2. The cumulative upper-floor Gross Floor Area that is occupied by residential uses, including uses that are accessory to residential uses, is equal to at least 100% of the first floor Gross Floor Area.

#### **Section 41.**

#### Section 4.10.40 - APPLICATION OF STANDARDS

- c. Mixed Use Buildings - For Mixed Use Building Types, as defined in Chapter 1.6, the Use Type that occupies the greatest amount of ground floor Gross Floor Area within the building shall apply to the entire building. For example, if the ground floor of a Mixed Use building is more than fifty percent Commercial Uses, the standards for Commercial, Industrial, and Civic Uses shall apply to the building.

#### 4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas

##### b. Percentage of Frontage –

Residential Mixed Use (RMU) Zones and Commercial Mixed Use (CMU) Zones: See the minimum Frontage Occupation established in each zone chapter.

All other zones: 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.

#### 4.10.60.04 - Menus for Pedestrian Features and Design Variety

- d. Enhanced Building Articulation – Street-facing building elevations more than 60ft. in length shall incorporate off-sets, extensions, recesses, or changes in exterior wall height, with a minimum dimension of 10ft., at least every 60ft. as measured in the horizontal dimension. Along the vertical face of a structure, such features shall occur on each floor. Compliance with this standard and Section 4.10.60.04.b is required for street-facing building elevations more than 60ft. in length.

#### 4.10.70.02 - Building Orientation

##### a. Street Frontage Setback -

Residential Mixed Use (RMU) Zones and Commercial Mixed Use (CMU) Zones: See the minimum Frontage Occupation established in each zone chapter.

All other zones: At least 50 percent of the building's linear frontage is located within the maximum setback established for the zone for structures that have street frontage. An exception to this requirement pertains to provisions elsewhere in this Chapter for development in the Neighborhood Center (NC) Zone. Expansion of a structure existing prior to December 31, 2006, and in conformance with the Code on that date is deemed to meet this criterion, provided the area of expansion is between the street and the existing building frontage.

#### 4.10.70.03 - Pedestrian Circulation Standards

- b. Additional Requirement for New Development and Additional List of Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.d.1 - Except in the Commercial Mixed Use (CMU) and Residential Mixed Use (RMU) Zones, new development shall comply with one of the following five options. Expansions in accordance with Section 4.10.70.01.c shall add this list of choices to those presented in Section 4.10.70.03.a to obtain a larger list of options to comply with the requirements of Section 4.10.70.01.d.1.

##### Options:

1. Driveway Consolidation - Removal of at least one driveway through outright removal or access consolidation, such that the net number of driveways for the site is at least one less than prior existing conditions for the site.
2. Landscape Buffer - Construction or expansion of a landscape buffer between the back of a sidewalk and existing vehicle parking or circulation areas. The constructed or expanded landscape buffer shall, when completed, be a minimum of 20 ft. wide.
3. Reduced Parking - Establishment of an agreement that shares parking between the subject site and an abutting site and results in a reduction of total parking spaces for the subject site to 90 percent or less of the required minimum. Such shared parking agreements may be used, provided the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods, or surplus capacity provided due to off-peak use, are methods of demonstrating this adequacy.
4. Covered Walkways - Installation of weather protection resulting in covered pedestrian walkways between and around all buildings and between the primary building and adjacent public pedestrian facilities.
5. Notarized Letter - Where development is proposed on property adjacent to existing five-lane arterial streets or highways, recording a signed and notarized letter with the Benton County Clerk from the owner of the development site agreeing not to oppose construction of a future median or pedestrian refuge.

#### 4.10.70.04 - Vehicle Circulation and Design Standards

- 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.

- e. Drive-through Facilities - Internal driveways are prohibited between buildings and streets to which the building entrances are oriented. Examples of correct and incorrect locations of these facilities are shown on the next page in Figure 4.10-21 - Drive-through Facilities.

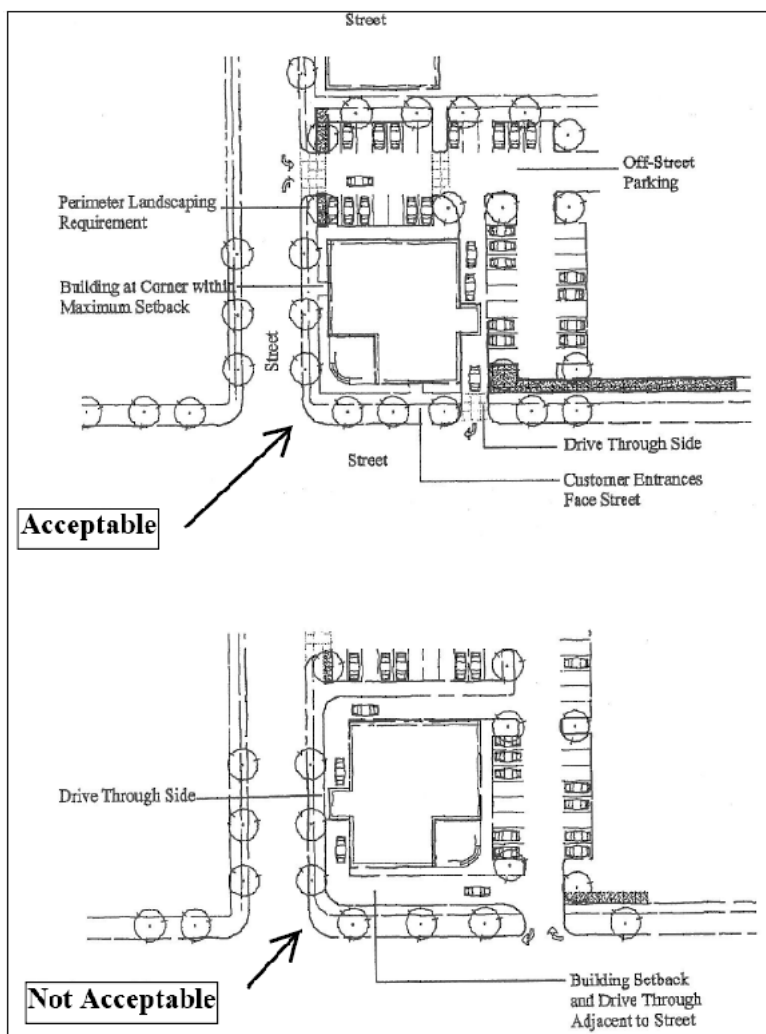


Figure 4.10-21 Drive-through Facilities

#### 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 80 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. The minimum vertical clearance shall be nine ft. for balconies. These requirements are shown below in Figure 4.10-22 - Weather Protection.

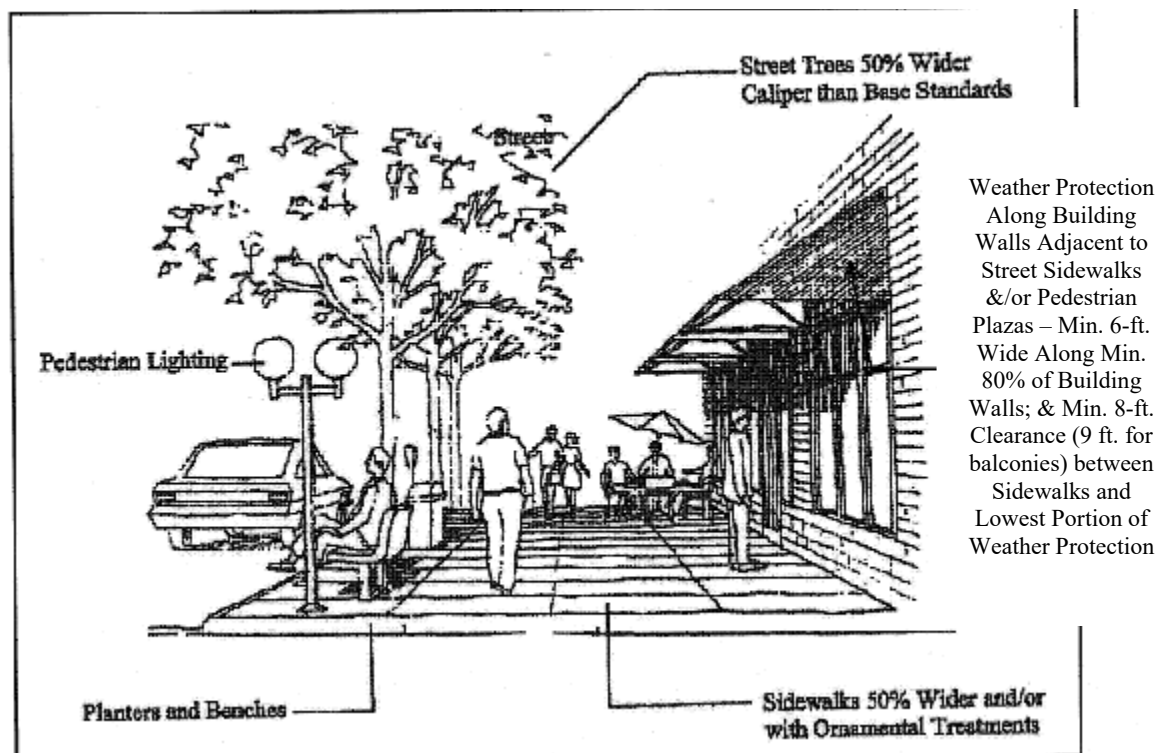


Figure 4.10-22 – Weather Protection

- b) Commercial Mixed Use 3, Riverfront, and Central Business Zones - When subject to the standards in this chapter per Section 4.10.70.01, development on buildings abutting street sidewalks and pedestrian plazas in the Commercial Mixed Use 3 (CMU-3) Zones, Central Business (CB) Zone, and the Riverfront (RF) Zone shall provide weather protection consistent with the locational and dimensional standards in "a," above, when:
- 1) Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor's office; and
  - 2) The building does not meet the exemption provisions in "c," below.
- c) Designated Historic Resources in the Commercial Mixed Use 3, Riverfront, and Central Business Zones - Development on Designated Historic Resources in the Commercial Mixed Use 3 (CMU-3), Central Business (CB), and Riverfront (RF) Zones shall be subject to the provisions in Chapter 2.9 - Historic Preservation Provisions and exempt

from the requirements in "a," and "b," above. This default to Chapter 2.9 and exemption from "a," and "b," above, applies whether or not weather protection such as awnings or canopies is proposed.

- 2. Pedestrian Amenity Requirements - Except in the Commercial Mixed Use (CMU) and Residential Mixed Use (RMU) Zones, all new development and substantial improvements shall provide pedestrian amenities as defined by this Section. The number of pedestrian amenities provided shall comply with the following sliding scale:

Size of Structure or Substantial Improvement	Number of Amenities
< 5,000 sq. ft.	1
5,001 - 10,000 sq. ft.	2
10,001 - 50,000 sq. ft.	3
> 50,000 sq. ft.	4

b. Design Standards and Design Variety Menus

- 1. Encroachments - Special architectural features, such as bay windows, decorative roofs, and entry features may, in accordance with Administrative Procedure 7.09 – Building Encroachments in the Public Right-of-Way, project up to three ft. into public rights-of-way, provided that they are not less than nine ft. above the sidewalk. Trellises, canopies and fabric awnings may project 6.5 ft. into setbacks and public rights-of-way, provided that they are not less than eight ft. above the sidewalk. No such improvements shall encroach into alley rights-of-way.
- 4. Sign Standards
  - b) Blade signs placed under awnings are allowed along Shopping Streets.
  - c) Remaining sign provisions are in accordance with Chapter 4.7 - Sign Regulations.
- 6. Windows - The provisions in this Section shall apply to placement and type of windows.
  - a) Ground Floor Windows and Doors - Except for the Neighborhood Center (NC) Zone and the GC zone (where other standards are required), and except for Designated Historic Resources in the Commercial Mixed Use 3, 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, where applicable. Ground floor windows shall also have a Top

Treatment such as a hood, awning, or a storefront cornice separating the ground floor from the second story. Alternatively, all ground floor windows shall provide a minimum three-in.-wide trim or recession. The Base Treatment standards under Section 4.10.70.05.b.7.d, below, and the Top Treatment standards under Section 4.10.70.05.b.7.e, below, shall be used as a guide for providing bulkheads and cornices that meet this standard.

- 2) Window Type - Ground floor windows used to comply with "a," above, shall meet all of the following standards:
  - a. Opacity of greater than 60 percent prohibited for any required window; and
  - b. Ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than four ft. above the adjacent exterior grade.
- b) Windows on Commercial Stories above Ground Floor - Except for Designated Historic Resources in the Commercial Mixed Use 3, Central Business, and Riverfront Zones, which are addressed in "d," below, each facade on commercial stories above the ground floor and that faces a street or other area accessible to the public shall include at least 20 percent window coverage.
- c) Neighborhood Center Special Window Provisions - For building walls facing Shopping Streets, windows and/or glass doors shall be provided on a minimum of 75 percent of the building wall length and 50 percent of the first 12 ft. in the building wall height from the adjacent grade. Public art, mini parks, and/or plazas, as defined in Section 4.10.70.05.a.3 may substitute for up to 50 percent of the required window area if construction is of permanently fixed, durable materials.
- d) Designated Historic Resource Exemption in the Commercial Mixed Use 3 Zone, Central Business (CB) Zone, and/or the Riverfront (RF) Zone - Where development occurs on a Designated Historic Resource in the Commercial Mixed Use 3 (CMU-3) Zone, Central Business (CB) Zone, and/or the Riverfront (RF) Zone, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the window requirements in "a," through "c," above. This default to Chapter 2.9 and exemption from "a," through "c," above, applies whether or not windows are proposed.

## ***Section 42.***

### **4.11.50.02 - Calculation of the Base Minimum Assured Development Area (MADA)**

- a. Residential Sites -The base Minimum Assured Development Area (MADA) for a residential site shall be calculated by multiplying the acreage of the site by the Minimum Assured Development Area (MADA) per acre as shown in Table 4.11-1 - Determining Minimum Assured Development Area (MADA) for Residential Zones, below. Acreage calculations shall be rounded to two decimal points. If a site contains multiple zones, the

base Minimum Assured Development Area for each zone shall be determined. The total base Minimum Assured Development Area shall be the sum of the base Minimum Assured Development Areas for all the zones.

Table 4.11-1 Determining Minimum Assured Development Area (MADA) for Residential Zones			
Zone	Base MADA/Acre	Area Credits (4.11.50.02.c)	Total MADA
RS - 1	10,000 sq. ft.		
RS - 3.5	17,500 sq. ft.		
RS - 5	15,250 sq. ft.		
RS - 6	13,000 sq. ft.		
RS - 9	21,800 sq. ft.		
RS - 12	21,800 sq. ft.		
RMU-12	21,800 sq. ft.		
RS - 20	24,000 sq. ft.		
RMU-20	24,000 sq. ft.		
MUR	21,800 sq. ft.		

- b. Nonresidential Sites -The base Minimum Assured Development Area of a nonresidential site shall be calculated by multiplying the acreage of the site by the Minimum Assured Development Area per acre, as shown in Table 4.11-2 - Determining Minimum Assured Development Area (MADA) for Nonresidential Zones, below. Acreage calculations shall be rounded to two decimal points. If a site contains multiple zones, the base Minimum Assured Development Area for each zone shall be determined. The total base Minimum Assured Development Area shall be the sum of the base Minimum Assured Development Areas of all the zones.

Table 4.11-2 Determining Minimum Assured Development Area (MADA) for Nonresidential Zones			
Zone	Base MADA/Acre	Area Credits (4.11.50.02.c)	Total MADA
Professional and Administrative Office	19,600 sq. ft.		
Minor Neighborhood Center	19,600 sq. ft.		
Major Neighborhood Center	23,950 sq. ft.		
Mixed Use Community Shopping	19,600 sq. ft.		
General Commercial	19,600 sq. ft.		
Commercial Mixed Use 1	19,600 sq. ft.		
Commercial Mixed Use 2	23,950 sq. ft.		
Commercial Mixed Use 3	34,850 sq. ft.		
Riverfront	34,850 sq. ft.		
Central Business Zone	34,850 sq. ft.		
Central Business Fringe	23,950 sq. ft.		
Limited Industrial - Office	28,300 sq. ft.		
Limited Industrial	26,150 sq. ft.		

Table 4.11-2 Determining Minimum Assured Development Area (MADA) for Nonresidential Zones			
Mixed Use Employment	23,950 sq. ft.		
Mixed Use Transitional	28,300 sq. ft.		
General Industrial	28,300 sq. ft.		
Intensive Industrial	28,300 sq. ft.		
Research Technology Center	26,150 sq. ft.		
Oregon State University	NA (see Chapter 3.36)		
Agricultural- Open Space	4,350 sq. ft.		
Conservation-Open Space	2,200 sq. ft. <sup>12</sup>		

### Section 43.

#### 4.14.70.04 - Grading Regulations

- c. Mass Grading Standards - The following standards shall apply to development throughout the City of Corvallis:

3. Grading Area Limitations - The following requirements apply to Mass Grading in areas with slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map:

- b) Medium-high and High Density Residential Development Zones -

Medium-high and High Density Residential Development Zones	Mass Grading Regulations:
RS-12, RS-20, RMU-12, RMU-20, and MUR Zones	For development sites greater than 6,500 sq. ft. in size - Graded area shall not exceed 75 percent. The Eight-ft. Standard shall apply, unless extenuating conditions are present.
	For development sites less than or equal to 6,500 square ft. in size - Grading of up to 100 percent of the site is allowed. The Eight-ft. Standard shall apply, unless extenuating conditions are present.

- d. Individual Lot Grading Standards - These standards are in addition to Section 4.14.70.04.c, above, and apply to lots which contain slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map.

2. Gradable Area - In no case shall the cumulative impact of Mass Grading and Individual Lot Grading impact more site area on an individual lot than is allowed under the following standards:

- b) Medium-high and High Density Residential Development Zones -

Medium-high and High Density Residential Development Zones	Grading Regulation
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<sup>12</sup> MADA determined for Conservation-Open Space (C-OS) areas may only be applied to improvements associated with the actual C-OS property.

RS-12, RMU-12, RS-20, RMU-20, and MUR Zones	<u>For development sites greater than 6,500 square ft. in size</u> - Graded area shall not exceed 75 percent. The Eight-ft. Standard shall apply, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.
	<u>For development sites less than or equal to 6,500 square ft. in size</u> - Grading of up to 100 percent of the site is allowed. The Eight-ft. Standard shall apply, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.