

**ORDINANCE 2012-19**

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

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

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

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

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

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

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

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

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

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

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

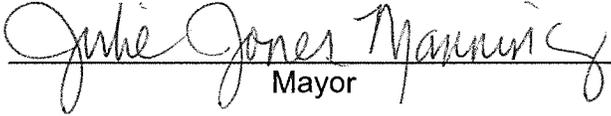
**NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:**

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

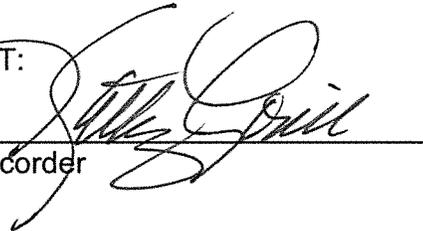
PASSED by the Council this 3rd Day of December, 2012.

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

Effective the 13th Day of December, 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

# EXHIBIT A

## LOCAL FOOD PROVISIONS

BEFORE THE CITY COUNCIL  
OF THE CITY OF CORVALLIS

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

### INTRODUCTION

The matter before the City Council is:

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

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

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

The members of the City Council voted to APPROVE the Legislative Amendment to the LDC as recommended by the Planning Commission and modified by the Council, subject to review and

approval of these findings, and subject to the changes reflected in Exhibit B of this implementing Ordinance 2012-\_\_\_, adopted December 3, 2012.

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

### **APPLICABLE CRITERIA**

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

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

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

The Council notes that in April of 2011, the City Council approved a bi-annual work program for the Planning Division after receiving public input and in consultation with the Planning Commission. The Council notes that at the time the work program was approved, Council Goals had not been established, but it was anticipated that several goals under consideration would result in a major staff role for Community Development, and therefore would impact planning work program priorities. The Council notes that as it turned out, three of the four Council Goals relate directly to work of the Community Development Department. Additionally, the Council notes there was acknowledgment that several other planning efforts, such as the FEMA-required update to the City's floodplain management program, would need to be completed prior to addressing 2011-2012 work program priorities. However, the City Council determined that once these ongoing tasks were finished, the next step would be to prepare a package of Land Development Code changes that would include "housekeeping" items that correct obvious omissions or inconsistencies in the code, substantive issues items to streamline the code, and the recommendations from the Corvallis Infill Task Force (CITF).

The Council notes that having made major progress on the other long range planning work assignments, in May of 2012 Planning Division staff reviewed the recommendations of the CITF, along with items on the "housekeeping" and substantive issues lists and City Council Goals and prepared recommendations and policy questions for the Planning Commission prior to beginning work on the code amendment package. The Council notes that on June 6<sup>th</sup> and June 13<sup>th</sup>, work sessions were held with the Planning Commission in order to gain

preliminary direction and concurrence with the proposed package of code changes. The Council notes that public testimony was received and some adjustments were made to the proposed code amendments. The Council notes that the Planning Commission supported the addition of a few items recommended by staff to be added to the substantive issues list and recommended that two recommended items from the CITF be set aside for the time being. The Council notes that those items were: 1) to improve the definition of infill, and 2) to allow irrevocable petitions for infill development.

The Council notes that in order to address one of the City Council goals, a package of code amendments was included to facilitate the provision of “local food” in the community. The Council notes that these code amendments were developed by Community Development staff, based, in part, on the work of a Benton County health impact assessment regarding this issue, as well as additional staff research and analysis. The Council notes that the Planning Commission endorsed the inclusion of these items in the package of 2012 code amendments.

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

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

The Council notes that in addition to the changes recommended by the Planning Commission, public testimony has been received concerning certain items in the code amendments package. The Council notes that after review of the submitted public testimony, Staff recommended revisions to certain code provisions. The Council notes that these Staff-proposed revisions are discussed in the November 19, 2012, memorandum to the City Council from Community Development Director, Ken Gib. The Council notes that Councilor Hervey also proposed revisions to certain code provisions, in part based on

consideration of public testimony. Councilor Hervey's proposed revisions are shown in his November 19, 2012, memorandum to the City Council. The Council notes that where the Planning Commission did not recommend changes, complete Staff analysis of each code amendment may be found in the September 10, 2012, Staff Report to the Planning Commission, which is included as **Exhibit A** of the City Council staff report.

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

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

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

The Council notes that this Legislative LDC Text Amendment, in the category of "Local Food", affects LDC Sections 1.6.30; 3.0.30.04.a; 3.0.30.05.c; 3.0.30.05.d; 3.0.30.05.g; 3.0.30.05.h (new); 3.0.30.05.i (new); 3.0.30.05.j (new); 3.0.30.03.1.20.01.a; 3.1.20.01.b; 3.2.20.01.a; 3.2.20.01.b; 3.3.20.01.a; 3.3.20.01.b; 3.4.20.01.a; 3.4.20.01.b; 3.5.20.01.a; 3.5.20.01.b; 3.6.20.01.a; 3.6.20.01.b; 3.7.20.01.a; 3.7.20.01.b; 3.7.50.03.e; 3.7.50.f; 3.8.20.01.a; 3.8.20.01.b; 3.8.50.03.e; 3.8.50.03.f; 3.9.30.01.a; 3.9.30.01.b; 3.10.20.01.a; 3.10.20.01.b; 3.11.20.01.c; 3.14.30.f; 3.15.30.01.b; 3.6.20.01.b; 3.19.30.c; 3.20.30.d; 3.20.30.e; 3.21.30.g; 3.21.30.h; 3.22.30.e; 3.22.30.f; 3.23.20.01.a.4; 3.23.20.01.b; 3.4.20.01.a.4; 3.23.20.01.b; 3.4.20.01.a.4; 3.4.20.01.b; 3.25.20.01.a.4; 3.25.20.01.b; 3.26.30.01.b; 3.27.30.01.a; 3.27.30.01.b; 3.26.20.01.a.4; 3.26.20.01.b; 3.37.20.01.a.2; 3.37.20.01.b; 4.3.40; 4.9.90 (new).

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

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

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

notes that this public hearing was held on November 5, 2012. The Council notes that on November 19, 2012 the City Council deliberated on the Legislative LDC Text Amendment.

The Council notes that after deliberating, it approved the Local Food portion of the Legislative LDC Text Amendment, subject to approval of formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative LDC Text Amendment, which were identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits. The Council notes that in reaching its decision it also considered the Planning Commission recommendation, the information and analysis presented by Staff, and all public testimony.

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

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

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

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

The Council notes that all proposed text changes involved in the proposed Legislative Amendment to the Land Development Code are shown in the September 10, 2012, Staff Report to the Planning Commission. The City Council notes that in response to public testimony and discussion during the Planning Commission deliberations, the Planning Commission recommended that the proposed text changes be modified. The Council notes that the modifications recommended by the Planning Commission were captured in the October 24, 2012, Staff Report to the City Council, except for one change regarding the LDC Chapter 3.0 - Use Classifications definition for Limited Manufacturing. The Council notes that based on consideration of public testimony, the November 19, 2012, memorandum from City Councilor Hervey (**Findings Attachment I**), findings in the November 19, 2012, memorandum from Ken Gibb, Community Development Director

**(Findings Attachment II)**, and Council deliberations, that the Text Amendments related to proposed local food provisions were modified further as reflected in City Council motion to approve the local food Text Amendments. This motion included six specific changes to the proposed Text Amendments that were not incorporated into the October 24, 2012, staff report to the City Council. These six changes are under the categories of: Limited Manufacturing definition, Limited Industrial - Office Zone, Market Gardens - Full Time Equivalent, Market Gardens - Temporary Stand Time Limit, Community Garden - Temporary Stand Time Limit, Market Garden - Compatibility. Findings related to the changes made to the Text Amendments made by the City Council during November 19, 2012, deliberations as reflected in the motion to approve the local food provisions, are presented below. Additionally, findings related to the issue of the permitted size of a Greenhouse when associated with a Garden as the primary use are made below. The Council notes that new LDC text is indicated with double underline font and deleted text is shown with strike-out font.

#### Limited Manufacturing Definition

The City Council notes that Limited Manufacturing is an industrial use type, which is defined in LDC Chapter 3.0 - Use Classifications. The City Council notes that on page 147 of the September 10, 2012, staff report to the Planning Commission City staff proposed modifying the Limited Manufacturing definition as follows:

- a. **Limited Manufacturing** - Establishments that employ 20 or fewer persons per shift unless otherwise specified by the applicable zone, do not involve outside storage of materials, do not require state or federal air quality discharge permits (except for parking), are compatible with nearby Residential Uses because there are few or no offensive external effects, and are primarily engaged in one of the following:
  1. On-site production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales. Typical Uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; or
  2. Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales; or
  3. On-site production or processing of food products. Food products may be finished or semi-finished and are generally made for the wholesale market, or transfer to other businesses. On-site retail sale of goods shall be a subordinate part of total sales. Limited Manufacturing excludes the activities of slaughtering animals, and canning, rendering, tanning, and reduction of meat.

The City Council notes that the League of Women Voters (LWV) submitted written testimony to the Planning Commission in a letter dated September 18, 2012 (**City Council Staff Report , Exhibit D-11**), and also gave oral testimony during the Planning Commission public hearing on the subject Text Amendments. The Council notes that testimony from Rebecca Landis, that concurred with all of the LWV recommendations was submitted on October 1, 2012 (**City Council Staff Report , Exhibit D-15**). The Council notes that the LWV recommended changing the staff proposed Limited Manufacturing definition to add the phrase “direct retail sales off-site” in subsection 3, to make clear that direct retail sales off-site would be permitted as part of a Limited Manufacturing use. The Council notes that in the October 1, 2012, memorandum to the Planning Commission from Associate Planner Richardson, staff stated they had “no reservations” about the change proposed by the LWV (**City Council Staff Report , Exhibit D-11**), and suggested the following modified Limited Manufacturing definition (bold text in a.3 shows LWV proposed revision):

- a. **Limited Manufacturing** - Establishments that employ 20 or fewer persons per shift unless otherwise specified by the applicable zone, do not involve outside storage of materials, do not require state or federal air quality discharge permits (except for parking), are compatible with nearby Residential Uses because there are few or no offensive external effects, and are primarily engaged in one of the following:
  1. On-site production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales. Typical Uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; ~~or~~
  2. Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales; or
  3. On-site production or processing of food products. Food products may be finished or semi-finished and are generally made for the wholesale market, ~~or~~ transfer to other businesses, **or direct retail sales off-site**. On-site retail sale of goods shall be a subordinate part of total sales. Limited Manufacturing excludes the activities of slaughtering animals, and canning, rendering, tanning, and reduction of meat.

The City Council notes that the Planning Commission accepted the proposed change, and incorporated it into their final recommendation to City Council as reflected in the September

19, 2012, and October 3, 2012, Planning Commission meeting minutes (**City Council Staff Report , Exhibit B**).

The City Council notes that the changes to the Limited Manufacturing definition recommended by the Planning Commission were omitted in error from the October 24, 2012, City Council Staff Report. The Council notes that this omission was identified by the LWV in written testimony to the City Council dated November 5, 2012, and that the LWV recommended incorporating the Limited Manufacturing definition provided in the October 1, 2012, memo to the Planning Commission from Associate Planner Richardson. The Council notes that the November 19, 2012, memorandum to the City Council from Community Development Director Gibb (**Findings Attachment II**), included the Limited Manufacturing definition proposed by staff in the October 1, 2012, memo to the Planning Commission from Associate Planner Richardson. The Council notes that the Council motion to approve the "Local Food Provision" Text Amendments specifically referenced the modification to the Limited Manufacturing definition, as presented in the November 19, 2012, memorandum.

The Council finds that incorporating the phrase "or direct retail sales" in the proposed Limited Manufacturing definition makes it abundantly clear that food products produced or processed by a Limited Manufacturing activity may be transferred and sold at a different location than where the Limited Manufacturing activity takes place. The Council finds that this clarification makes it easier to understand the intent and parameters of Limited Manufacturing activities, and as such is to the benefit of the public convenience and welfare, consistent with LDC Section 1.2.80.01. The City Council finds that as modified, the amendments to the Limited Manufacturing use type definition continue to be consistent with applicable Comprehensive Plan Policies and Statewide Planning Goals, as explained in the September 10, 2012, Planning Commission Staff Report (**City Council Staff Report Exhibit A-147**). The applicable Comprehensive Plan policies referenced in the September 10, 2012, Staff Report are 8.2.1, 8.2.3, 8.2.4, and 8.10.1, and the applicable Statewide Planning Goal referenced is Goal 9 - Economy of the State.

#### Limited Industrial - Office Zone

The City Council notes that Tree, and Row and Field Crops are Agricultural use types defined in LDC Chapter 3.0 - Use Classifications. The Council notes that currently these use types are not permitted in industrial zones. The Council notes that in the September 10, 2012, Planning Commission Staff Report, Staff recommended that Tree, and Row and Field Crops be permitted outright as primary uses in the Limited Industrial, General Industrial, and Intensive Industrial zones (**City Council Staff Report Exhibit A-145**). The Council notes that the Planning Commission recommended the City Council amend the LDC to permit Tree, and Row and Field Crops as primary outright uses in these zones. The Council notes that the Limited Industrial-Office zone was not included as a zone where these use types should occur. The Council notes that Staff memoranda dated November

5, and November 14, 2012, responded to City Council questions regarding proposed Text Amendments, including which zones Tree, and Row and Field Crops were proposed to be permitted. The Council notes that the November 19, 2012, memorandum from Community Development Director Gibb, includes a recommendation to also permit Tree, and Row and Field crops as primary outright permitted uses in the Limited Industrial - Office zone (**Findings Attachment II**). The Council notes that a specific motion to include these use types in the Limited Industrial - Office zone was approved by the Council on November 19, 2012.

The City Council finds that Tree, and Row and Field Crops are use types that should be permitted in the Limited Industrial-Office zone, for the same reasons given in the September 10, 2012, Planning Commission Staff Report and Planning Commission deliberations, with respect to the Limited Industrial, General Industrial, and Intensive Industrial zones . The City Council finds that including Tree, and Row and Field Crops in the Limited Industrial - Office zone is to the benefit of the public convenience and welfare, consistent with LDC Section 1.2.80.01, and is consistent with applicable Comprehensive Plan Policies and Statewide Planning Goals, as explained in the September 10, 2012, Planning Commission Staff Report with respect to including these use types in other industrial zones (**City Council Staff Report Exhibit A-145**). The applicable Comprehensive Plan policies referenced in the September 10, 2012, Staff Report are 5.2.1, 8.2.1, 8.2.3, 8.2.4, and 8.9.3, and the applicable Statewide Planning Goal referenced is Goal 9 - Economy of the State.

#### Market Gardens

The City Council notes that the proposed Text Amendments include a new Agricultural use type called Market Garden, and that Market Gardens would be governed by proposed regulations in LDC Chapter 4.9 - Additional Provisions. The Council notes that the regulations in LDC Chapter 4.9 - Additional Provisions, proposed by City Staff in the September 10, 2012, Planning Commission Staff report (**City Council Staff Report Exhibit A-137**) regarding Market Gardens are provided below:

#### Section 4.9.90 - Urban Agriculture

##### a. Market Gardens

1. Market Garden activities shall be conducted by members of the family occupying the associated dwelling, with up to one additional employee whose work on the site shall not exceed 40 hours per week.
2. No display shall indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling, except that signage consistent with Section 4.7.90.01 of Chapter 4.7 - Sign Regulations is allowed.

3. The amount of commercial activity is less intensive than activities permitted in a commercial zone.
4. The use will not cause excessive or unusual traffic in the vicinity because of deliveries, pick-ups, parking, sales, or other activities.
5. Noise, smoke, or odors do not exceed those created by normal residential use.
6. Retail activities shall occur only within the home, garage, permanent outbuildings, or stands or kiosks as described in "7," below.
7. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard, and shall cease operations, by 7:00 PM each day. Stands and kiosks shall not be permitted in the public right-of-way.

The City Council finds that, per LDC Section 1.2.80.01, it is in the interest of public convenience and welfare to establish a Market Garden Use type and regulate the use type through the provisions in LDC Section 4.9.90 - Urban Agriculture, as amended by Council. The Council finds that the Market Garden use type is consistent with the Comprehensive Plan and applicable Statewide Planning Goals, as explained in the September 10, 2012, Planning Commission Staff Report. The applicable Comprehensive Plan policies referenced in the September 10, 2012, Staff Report are 3.2.1, 8.2.1, 8.2.3, 8.10.1, 9.2.5, and 11.2.3, and the applicable Statewide Planning Goals referenced are Goal 9 - Economy of the State, and Goal 13 - Energy.

#### Market Gardens - Full Time Equivalent

The City Council notes that Section 4.9.90.a.1 of the Staff proposed Urban Agriculture provisions (shown above), limited the employment of a Market Garden business to members of the family occupying the associated dwelling, and one additional employee whose work on the site would not exceed 40 hours per week. The City Council notes that a similar provision is found in the LDC Chapter 1.6 - Definitions, definition for Home Business, which the Market Garden provisions were modeled after. The Council notes that the LWV submitted testimony to the Planning Commission and also to the City Council recommending that, rather than limiting the number of non-family employees to one person, Section 4.9.90.a.1 should limit the number of hours non-family members could work on-site to 40-hours (**City Council Staff Report Exhibit D-11**). The City Council notes that City Councilor Hervey proposed that LDC Section 4.9.90.a.1 be modified, as recommended by the LWV to read (bold is new text proposed by Councilor Hervey per the LWV testimony):

1. Market Garden activities shall be conducted by members of the family occupying the associated dwelling, with up to one additional employee, **or full-time-equivalent**, whose work on the site shall not exceed 40 hours per week.

The City Council notes that the LWV reasons given for including the phrase “or full-time-equivalent”, based on Councilor Hervey’s November 19, 2012, memorandum to the City Council are that a Market Garden is different from a Home Business, because it is seasonal and involves heavy labor (**Findings Attachment I**). Allowing one full-time-equivalent employee, allows multiple people to use portions of the 40-hour time limit of non-family employees. This results in job creation, and provides the Market Gardener with better options for securing additional help.

The Council finds the arguments for allowing one additional employee, or full-time-equivalent, as recommended by the LWV and proposed by Councilor Hervey persuasive. The Council finds that the proposed change is consistent with the criteria for a Text Amendment in LDC Section 1.2.80.01. The Council finds that the proposed change does not affect the reasons given in the September 10, 2012, Planning Commission Staff Report, as to why the proposed Market Garden use type and associated provisions in LDC Section 4.9.90.a.1 are consistent with the Comprehensive Plan and applicable Statewide Planning Goals (**City Council Staff Report, Exhibit A-138**). The City Council incorporates the findings in the September 10, 2012, Planning Commission Staff Report regarding consistency with applicable LDC, Comprehensive Plan policies, and Statewide Planning Goals.

#### Market Gardens - Temporary Stand Time Limit

The City Council notes that the Planning Commission received written testimony from the LWV dated September 18, 2012, recommending that temporary stands or kiosks used to sell Market Garden goods be permitted to remain open until dusk (**City Council Staff Report, Exhibit D-11**). The Council notes that testimony from Rebecca Landis, dated October 1, 2012, concurred with the LWV recommendation (**City Council Staff Report, Exhibit D-15**). The Council notes, that Staff proposed that temporary stands cease operations, and be removed from required yard areas by 7:00 PM each day. The Council notes that during the September 19, 2012, Planning Commission meeting, City Staff stated that a specific time by which stands must be closed was proposed in order to set a clear standard. The Council notes that the Planning Commission discussed changing the required closing time but recommended 7:00 PM to prevent disturbances to neighborhood children who may be trying to sleep during that time.

The City Council notes that Councilor Hervey submitted a memorandum to the City Council on November 19, 2012 recommending changing the time that temporary stands must be closed to 8:00 PM, as written in the following excerpt from 4.9.90.a.7 (**Findings Attachment I**) (bold is new time proposed by Councilor Hervey):

7. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard, and shall cease operations, by **8:00 PM** each day. Stands and kiosks shall not be permitted in the public right-of-way.

Councilor Hervey argued that with the proposed Text Amendments, Market Gardens might become more prevalent, and that a 7:00 PM closing time might not give persons time to return home, eat dinner, and visit the Market Garden stand. Councilor Hervey also argued that an 8:00 PM closing time would also be appreciated by persons who would like street activity to be quiet by that time.

The City Council finds that it is important to have a specific closing time in order to effectively enforce the provisions in Section 4.9.90 - Urban Agriculture, subsection "a". The City Council finds Councilor Hervey's arguments persuasive, that an 8:00 PM closing time is appropriate. The Council finds that as approved, Section 4.9.90.a.7 requires all sales from temporary Market Garden stands and kiosks to cease by 8:00 PM, and be removed from required yard areas. The Council finds that LDC Section 4.9.90.a.7, as amended by City Council, establishing an 8:00 PM closing time for Market Garden kiosks is in the interest of the public convenience and welfare, and is consistent with the criterion for making a LDC Text Amendment in LDC Section 1.2.80.01.

The Council finds that the proposed change does not affect the reasons given in the September 10, 2012, Planning Commission Staff Report, as to why the proposed Market Garden use type and associated provisions in LDC Section 4.9.90.a.1 are consistent with the Comprehensive Plan and applicable Statewide Planning Goals (**City Council Staff Report, Exhibit A.138**). The City Council incorporates the findings in the September 10, 2012, Planning Commission Staff Report regarding consistency with applicable LDC, Comprehensive Plan policies, and Statewide Planning Goals.

#### Market Garden - Compatibility

The City Council notes that as proposed by Staff and recommended by the Planning Commission, the new provisions in Section 4.9.90.a.5 would state:

5. Noise, smoke, or odors do not exceed those created by normal residential use.

The City Council notes that in his November 19, 2012, memorandum to the City Council, Councilor Hervey proposes that the above text be modified as shown below (**Findings Attachment I**) (proposed text by Councilor Hervey is in bold):

5. Noise, smoke, or odors do not exceed those created by normal residential use, **for more than 24 hours per year.**

The Council notes that Councilor Hervey argues that as written, it would be difficult for gardeners to always comply with this provision because it is likely that on occasion a Market Garden would create noise, smoke, or odors that might exceed those created by normal residential use. The Council notes that "normal residential use" is not defined.

The Council finds that the modification proposed by Councilor Hervey adequately protects desired residential neighborhood characteristics, while giving some flexibility for Market Garden operations to occasionally, and for short durations, exceed the noise, smoke, and odor conditions that would occur at a typical residence. The Council finds that the modification proposed by Councilor Hervey is in the interest of the public convenience and welfare, consistent with LDC Section 1.2.80.01.

The Council finds that the proposed modification does not affect the reasons given in the September 10, 2012, Planning Commission Staff Report, as to why the proposed Market Garden use type and associated provisions in LDC Section 4.9.90.a.1 are consistent with the Comprehensive Plan and applicable Statewide Planning Goals (**City Council Staff Report, Exhibit A-137**). The City Council incorporates the findings in the September 10, 2012, Planning Commission Staff Report regarding consistency with applicable LDC, Comprehensive Plan policies, and Statewide Planning Goals.

#### Community Garden - Temporary Stand Time Limit

The City Council notes that the proposed Text Amendments include a new Agricultural use type called Market Garden, and that Market Gardens would be governed by proposed regulations in LDC Chapter 4.9 - Additional Provisions. The Council notes that the regulations in LDC Chapter 4.9 - Additional Provisions, proposed by City Staff in the September 10, 2012, Planning Commission Staff report regarding Community Gardens are provided below:

#### **b. Community Gardens**

- 1. Gardens shall be at least 5-ft from all property lines.**
- 2. Items such as tools, equipment, and fuel, shall be stored within enclosed buildings or screened per Section 4.2.50.02 - Service Facilities and Outdoor Storage Areas.**
- 3. Sales and donation of products grown in the community garden may occur on-site. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard by 7:00 PM each day.**

The City Council notes that the Planning Commission received written testimony from the LWV dated September 18, 2012, recommending that temporary stands or kiosks used to sell Market Garden goods be permitted to remain open until dusk. The Council notes that testimony from Rebecca Landis, dated October 1, 2012, concurred with the September 19, 2012, LWV recommendation (**City Council Staff Report, Exhibits D-11, 15**). The Council notes, that Staff proposed that temporary stands cease operations, and be removed from required yard areas by 7:00 PM each day. The Council notes that during the September 19, 2012, Planning Commission meeting, City Staff stated that a specific time by which stands must be closed was proposed in order to set a clear standard. The Council notes

that the Planning Commission discussed changing the required closing time but recommended 7:00 PM to prevent disturbances to neighborhood children who may be trying to sleep during that time (**City Council Staff Report, Exhibit B**). The Council notes that in written testimony dated November 5, 2012, the LWV recommended that Community Garden stands close by 9:00 PM.

The City Council notes that Councilor Hervey submitted a memorandum to the City Council on November 19, 2012, (**Findings Attachment I**) recommending changing the time that temporary stands must be closed to 8:00 PM, as written in the following excerpt from 4.9.90.b.3 (bold is revised time proposed by Councilor Hervey):

3. Sales and donation of products grown in the community garden may occur on-site. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard by **8:00 PM** each day.

The City Council notes that, Councilor Hervey argued that with the proposed Text Amendments, Market Gardens might become more prevalent, and that a 7:00 PM closing time might not give persons time to return home from work, eat dinner, and visit the Community Garden stand. Councilor Hervey also argued that an 8:00 PM closing time would also be appreciated by persons who would like street activity to be quiet by that time.

The City Council finds that, per LDC Section 1.2.80.01, it is in the interest of public convenience and welfare to establish a Community Garden Use type and regulate the use type through the provisions in LDC Section 4.9.90 - Urban Agriculture, as amended by Council. The Council finds that the Community Garden use type is consistent with the Comprehensive Plan and applicable Statewide Planning Goals, as explained in the September 10, 2012, Planning Commission Staff Report, and that these Comprehensive Plan policies and Statewide Goals are the same as those previously noted with respect to Gardens and Market Gardens.

The City Council finds that it is important to have a specific closing time in order to effectively enforce the provisions in Section 4.9.90 - Urban Agriculture, subsection "b". The City Council finds Councilor Hervey's arguments persuasive, that an 8:00 PM closing time is appropriate. The Council finds that as approved, Section 4.9.90.a.7 requires all sales from temporary Community Garden stands and kiosks to cease by 8:00 PM, and be removed from required yard areas. The Council finds that LDC Section 4.9.90.a.7, as amended by City Council, establishing an 8:00 PM closing time for Community Garden kiosks is in the interest of the public convenience and welfare, and is consistent with the criterion for making a LDC Text Amendment in LDC Section 1.2.80.01.

The Council finds that the proposed change does not affect the reasons given in the September 10, 2012, Planning Commission Staff Report, as to why the proposed Market Garden use type and associated provisions in LDC Section 4.9.90.a.1 are consistent with

the Comprehensive Plan and applicable Statewide Planning Goals (**City Council Staff Report, Exhibit A-138**). The City Council incorporates the findings in the September 10, 2012, Planning Commission Staff Report regarding consistency with applicable LDC, Comprehensive Plan policies, and Statewide Planning Goals.

#### Greenhouse Size

The City Council notes that one of the LDC Text Amendments proposed by Staff, and recommended for adoption by the Planning Commission, is to create a new Agricultural use type, called Garden. The Council notes that as recommended by the Planning Commission, Gardens would be permitted in all residential zones as primary uses permitted outright. The Council notes that new provisions were proposed by City Staff in LDC Section 4.3.40 regarding accessory structures on residentially zoned lots, where a Garden is the primary use type. The Council notes that City Staff proposed amending the LDC to include a new Section 4.3.40.c that stated:

- c. When the primary use on a lot is a Garden, the combined square footage of all accessory structures shall not exceed 400 sq. ft.

The Council notes that Kirk Bailey gave testimony to the Planning Commission recommending that greenhouses should be allowed up to 800 sq. ft., and greenhouses larger than that should be permitted with a Planned Compatibility Review permit (**City Council Staff Report, Exhibit B**). Mr. Bailey argued that allowing larger greenhouses would support more intensive growing, and that even larger greenhouses would not impede urbanization goals of developing residential lots with dwelling units. The Council notes that, in response to Mr. Bailey's testimony, the Planning Commission recommended the new LDC Section 4.3.40.c be modified to read:

- c. When the primary use on a lot is a Garden, the combined square footage of all accessory structures shall not exceed 600 sq. ft. and the cumulative maximum allowed square footage for all non-greenhouse structures is 200 sq. ft.

The Council notes that Mr. Bailey gave testimony regarding the same issue during the November 5, 2012, City Council hearing on the LDC Text Amendment application. In his testimony, Mr. Bailey expressed support for the Planning Commission recommendation, but also encouraged the Council to further modify it to allow larger greenhouses with Planned Compatibility Review permit approval. The Council notes that the City Council considered the testimony given by Mr. Bailey and asked questions of staff prompted by Mr. Bailey's testimony.

The Council notes that a motion was not made by any Councilor to modify the new text in LDC Section 4.3.40.c as proposed by Mr. Bailey. The Council notes that the text in Section 4.3.40.c only applies to accessory structures on a lot where a Garden is the primary use type. The Council finds that the revised text recommended by the Planning Commission

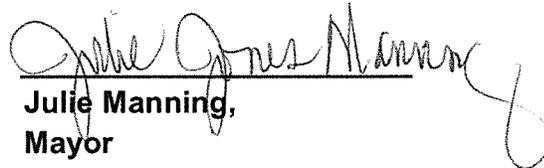
provides sufficient opportunity to use a greenhouse to support Garden activities on what would otherwise be an undeveloped lot. The Council finds that the provisions in LDC Section 4.3.40.c, as recommended by the Planning Commission, are consistent with applicable Comprehensive Plan policies and Statewide Planning goals as explained in the September 10, 2012, Planning Commission Staff Report. The referenced Comprehensive Plan Policies in the Staff Report are: 3.2.1, 9.2.55.6.10, and 8.7.5, and the referenced Statewide Planning Goal is Goal 8 - Recreational Needs.

### SUMMARY OF CONCLUSIONS

The City Council finds that the proposed Legislative Amendment to the Land Development Code (LDT12-00001) is consistent with the applicable Land Development Code criteria, Comprehensive Plan policies, and Statewide Planning Goals. Accordingly, the Legislative Amendment to the Land Development Code (LDT12-00001) is APPROVED.



**Kathy Louie,**  
City Recorder



**Julie Manning,**  
Mayor

**Date: December 3, 2012**

#### **Findings Attachments:**

- I. **Memorandum to the City Council from Councilor Hervey, dated November 19, 2012.**
- II. **Memorandum to the City Council from Community Development Director, Ken Gibb, dated November 19, 2012.**

RECEIVED

NOV 19 2012

CITY MANAGERS  
OFFICE

**Proposed Amendments to LDC changes for Monday November 19, 2012**

**Richard Hervey**

All changes from staff proposed language are underlined.

**Amend - Section 4.9.90 - Urban Agriculture**

**a. Market Gardens, item 1. to read:**

"Market Garden activities shall be conducted by members of the family occupying the associated dwelling, with up to one additional employee, or full-time-equivalent, whose work on the site shall not exceed 40 hours per week."

Explanation – I find the LOWV's argument persuasive and that it fits with my experience of Community Supported Agriculture operations, my closest allegory to market gardens. The league's argument was:

"...A Market Garden is very different from most home businesses. It is seasonal and often involves heavy labor. While we appreciate staff's concerns, we believe allowing one FTE rather than one employee would result in job creation at a time when jobs are sorely needed and would provide the Market Gardener with a more realistic option for securing additional help."

**Amend Section 4.9.90 - Urban Agriculture**

**a. Market Gardens, item 7 to read**

Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard, and shall cease operations, by 8:00 PM each day. Stands and kiosks shall not be permitted in the public right-of-way.

And

**Section 4.9.90- Urban Agriculture Standards**

**a. Community Gardens, item 3 to read:**

"Sales and donation of products grown in the community garden may occur onsite. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard by 8:00 PM each day."

Explanation – Staff's recommendation is 7:00 pm. The LOWV requests 9:00 pm. My local CSA has a open hours for summer pick up of 4 until 6, but finds that people keep coming by until 7:00. My hope is that when Market and Community Gardens become more prevalent, neighbors will use them to buy produce for either that night's meal or a meal later in the week. For that to happen, in many dual income families, the parents must come home, cook and eat supper, before going to the garden market. In that scenario, 7:00 pm feels like too tight of a time line. I pick 8:00 rather than the LOWV's 9:00 because many families put the children to bed at 8:30 or so and would appreciate quiet on the street by that time.

Amend

**Section 4.9.90- Urban Agriculture Standards**

**b. Market Gardens, item 5 to read:**

Noise, smoke, or odors do not exceed those created by normal residential use, for more than 24 hours per year.

Explanation – I concur with the intent as I understand it to be, namely to give notice that we are not approving degrading the quality of life of those living on neighboring properties. My concern is that as written, it seems impossible for the gardeners to comply. My hope is that by putting a time frame on the criteria, we send the intended message and provide some room in which the market gardener can maintain compliance.



## MEMORANDUM

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To: Mayor and City Council

From: Ken Gibb, Community Development Director

Date: November 19, 2012

Subject: Proposed Amendments to Recommended Motions Regarding the 2012 Land Development Code Amendments (LDT12-00001)

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The October 24, 2012, Staff Memorandum to City Council regarding the 2012 Land Development Code Amendments includes, on Page 16, five distinct recommended motions to adopt each of the five components of the code amendments package.

Based on public testimony received thus far, and in consideration of City Council questions concerning the proposed amendments, Staff propose that two of the recommended motions be amended, as follows: (we note that Councilor Hervey will present additional amendments in a separate proposal)

### **HOUSEKEEPING MOTION AMENDMENT**

Based on written testimony presented to the Mayor and City Council on November 5, 2012, prepared by Tony Howell, and related to Housekeeping Item # 6 which pertains to the clarification of the code's variable message sign standards, Staff recommend adopting Mr. Howell's proposed amendment to LDC Section 4.7.80.07.b, as part of the Housekeeping Items. Mr. Howell's proposal is excerpted below, for reference. Additionally, an amended recommended motion is included below:

#### **Proposed Amendment to LDC Section 4.7.80.07.b (as presented by Mr. Howell):**

Proposed revisions to the LDC are shown using a double-underline font for the new text, and a strikeout font for the deleted text.

*LDC Section 4.7.80.07.b:*

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

### Recommended Motion for Housekeeping Items:

I move to approve the “Housekeeping” Land Development Code Text Amendments (Item II) as presented in the September 10, 2012, Planning Commission Staff Report. Additionally, I move to approve an amendment to LDC Section 4.7.80.07.b, to incorporate the proposal included in Tony Howell’s testimony to City Council dated November 5, 2012, subject to the approval of formal findings and an ordinance.

### LOCAL FOOD PROVISIONS MOTION AMENDMENT

Staff propose modifying the recommended motion in the following ways:

#### Limited Manufacturing Definition

City staff proposed modifying the definition of the Limited Manufacturing use type to include the production and processing of food products. Testimony from the League of Women Voters (LOWV) to the Planning Commission recommended that the phrase “or direct sales off-site”, be incorporated in the text as shown below. Staff concurred with the LOWV recommendation as shown in the October 1, 2012, memorandum to the Planning Commission, and the Planning Commission accepted the recommendation. The amended Limited Manufacturing use type definition as recommended by the Planning Commission reads (double underlined text is new, struck-out text is proposed to be deleted):

- a. **Limited Manufacturing** - *Establishments that employ 20 or fewer persons per shift unless otherwise specified by the applicable zone, do not involve outside storage of materials, do not require state or federal air quality discharge permits (except for parking), are compatible with nearby Residential Uses because there are few or no offensive external effects, and are primarily engaged in one of the following:*
1. *On-site production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales. Typical Uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; ~~or~~*
  2. *Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales; or*

3. *On-site production or processing of food products. Food products may be finished or semi-finished and are generally made for the wholesale market, or transfer to other businesses, or direct retail sales off-site. On-site retail sale of goods shall be a subordinate part of total sales. Limited Manufacturing excludes the activities of slaughtering animals, and canning, rendering, tanning, and reduction of meat.*

Limited Manufacturing - Office

During the November 5, 2012, City Council public hearing on the proposed Text Amendments, the Council noted that Tree, and Row and Field Crops were not proposed to be included as outright permitted uses in the Limited Industrial - Office zone, while they were proposed to be permitted as outright uses in the Limited Industrial, General Industrial, and Intensive Industrial zones. Staff recommend that Tree, and Row and Field Crops also be permitted outright in the Limited Industrial - Office zone.

Recommended Motion for Local Food Provisions Items:

I move to approve the “Local Food Provisions” Land Development Code Text Amendments (Item IV) as presented in the September 10, 2012, Planning Commission Staff Report, and as amended in the October 24, 2012, City Council Staff Report, with the following two additional amendments:

- 1) The LDC Chapter 3.0 - Use Classification definition of Limited Manufacturing shall be as written in the November 19, 2012, Staff memorandum to the City Council;
- 2) The Tree, and Row and Field Crops, use types shall be primary uses permitted outright in the Limited Industrial - Office zone.

This motion to approve is subject to the approval of formal findings and an ordinance.

# Exhibit B

## Land Development Code Amendments - Local Food Provisions

### Notes:

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

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

**General Development Decision** - Development decision that requires some discretion in applying the criteria and standards of this Code. Requires review and approval by staff without a public hearing; public notice prior to the staff decision; and the mailing of a Notice of Disposition to persons who responded in writing to the public notice. Appeals are made in accordance with Chapter 2.19 - Appeals.

**Geographic Information System (GIS)** - System of hardware, software, and data storage that allows for the analysis and display of information that has been geographically referenced.

**Grade** - (1) Average elevation of the land; (2) the percent of rise or descent of a sloping surface. Usually described as Finished Grade or Natural Grade, and measured in feet above sea level. There is a distinction between percent of slope and degree of slope. For example, a forty-five degree slope is a 100 percent grade. See also Slope.

**Grade, Finished** - As shown in Figure 1.6-17 - Cut and Fill Cross Section, final elevation of the ground level after development.

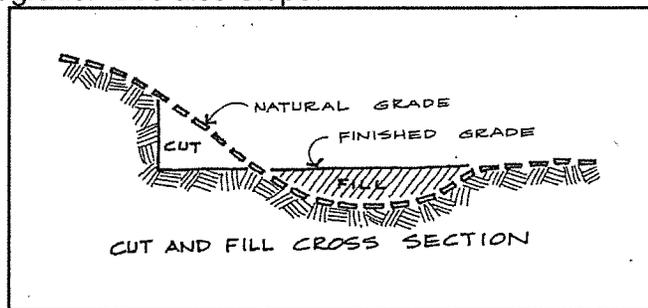


Figure 1.6-17 - Cut and Fill Cross Section

**Grade, Natural** - As shown in Figure 1.6-17 - Cut and Fill Cross Section, elevation of the ground level in its natural state, before construction, filling, or excavation.

**Grading** - Stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

**Green Area** - Includes a site's landscaping, private preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, unenclosed patios, and decks. Does not include areas covered by buildings, covered structures enclosed on one or more sides, parking areas, or vehicle circulation areas.

**Greenhouse** - A glass- or clear plastic-enclosed structure designed to trap and hold heat to facilitate the growth of plants and out-of-season fruits and vegetables under protected conditions. A greenhouse is a permanent structure, not easily disassembled, and is distinct from a "hoop house" or other temporary or seasonal structure designed for a purpose similar to that of a greenhouse.

**Habitable Floor** - Floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination of these.

**Health Hazard Annexation** - Land use process that addresses health hazard situations and evaluates whether a property meets the criteria for incorporation into the City limits. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 2.6 - Annexations.

Residential Uses because there are few or no offensive external effects, and are primarily engaged in one of the following:

1. On-site production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales. Typical Uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; or
2. Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales; or
3. On-site production or processing of food products. Food products may be finished or semi-finished and are generally made for the wholesale market, or transfer to other businesses, or direct retail sales off-site. On-site retail sale of goods shall be a subordinate part of total sales. Limited Manufacturing excludes the activities of slaughtering animals, and canning, rendering, tanning, and reduction of meat.

**b. Technological Production** - Research and development, production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical Uses include manufacturing research instruments, electronic products, and surgical and medical instruments. Excludes Uses that require state or federal air quality discharge permits (except for parking).

**c. General Industrial**

1. Uses -
  - a) Production, processing, assembling, packaging, or treatment of food and non-food products; or
  - b) Manufacturing and/or assembly of electronic instruments and equipment and electrical devices.

2. Attributes - General Industrial Uses may require state or federal air quality discharge permits, but do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:

- a) Continuous, frequent, or repetitive noises or vibrations;
- b) Noxious or toxic fumes, odors, or emissions;
- c) Electrical disturbances; or
- d) Night illumination into residential areas.

**Exceptions:** Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring fewer than 15 minutes per day; an odor detected for fewer than 15 minutes per day; or noise detectable only as part of a composite of sounds from various off-site sources.

d. **Intensive Industrial** - Manufacturing, processing, or assembling of materials in a manner that would create any of the commonly recognized nuisance conditions or characteristics described above in the General Industrial Use Type classification.

### 3.0.30.05 - Agricultural Use Types

Agricultural Use Types include the on-site production of plant and animal products by agricultural methods. Also included is development that is Accessory to these Uses, as specified in Chapter 4.3 - Accessory Development Regulations.

- a. **Animal Husbandry** - Raising and breeding of livestock.
- b. **Animal Waste Processing** - Processing of animal waste and by-products, including animal manure, animal bedding waste, and similar by-products of animal husbandry operations, for use as a commercial fertilizer, soil amendment or compost.

~~c. **Aquaculture** - Aquacultural research and specialties.~~

c. **Aquaculture** - The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled marine or freshwater environments, typically for research or commercial purposes.

- d. **Horticulture** - Horticultural and flora cultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes, or for the production of food producing plants, shrubs, or trees. The following are Horticulture Use Types:
1. Cultivation - Cultivation of plants.
  2. Storage - Storage of plants, primarily in containers.
- e. **Packing and Processing** - Packing or processing of agricultural crops, animals, and their by-products that entails more than picking, cutting, sorting, and boxing or crating. Excludes the activities of canning, rendering, tanning, or reduction of meat. The following are Packing and Processing Use Types:
1. Limited - Packing or processing of crops grown on the premises.
  2. General - Packing or processing of crops, animals, or their by-products regardless of where they were grown.
- f. **Row and Field Crops** - Cultivation of agricultural products grown in regular or scattered patterns. Crops include vines, field, forage, and other plant crops intended to provide food or fibers.
- g. **Tree Crops** - Cultivation for personal use of tree-grown agricultural products such as orchards for apples and cherries.
- h. **Garden** - A plot of ground, or other area such as on a rooftop, balcony, fence, wall, or window sill, that is used to grow food-producing or ornamental plants, shrubs, or trees. Gardens are intended for personal use or consumption, or for off-site sales. On-site sales of garden products are prohibited.
- i. **Market Garden** - Commercial production and processing of fruit, vegetables, flowers, and other plants, animal products, and honey. Market Gardens are only accessory uses to Residential Use Types, except in the OSU zone. The residential character of the associated dwelling shall be maintained and the activity conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The activity also does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- j. **Community Garden** - A plot of ground, or other area such as on a rooftop,

located on public or private land, and managed collectively by a group for the purpose of growing food-producing or ornamental plants. Community Gardens are only accessory uses to Civic Use Types, except in the OSU zone or as required in the RS-12 and RS-20 zones. Examples of community gardens include, but are not limited to, neighborhood gardens, school gardens, therapeutic gardens, demonstration gardens, and gardens operated on public lands. End products are typically consumed by those tending the garden, but may also be donated, or sold on or off-site.

### **3.0.30.06 - Extractive Use Types**

Extractive Use Types include the on-site production of mineral products by extractive methods. Also included is development that is Accessory to these Uses as specified in Chapter 4.3 - Accessory Development Regulations.

**Mining and Processing** - Surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical Uses are borrow pits, oil and gas drilling rigs, and concrete batch plants.

*[Section 3.0.30 amended by Ordinance 2012-00x, effective December X, 2012]*

## CHAPTER 3.1 LOW DENSITY (RS-3.5) ZONE

### Section 3.1.10 - PURPOSE

This zone implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-3.5 Zone is retained to provide land use and development standards for areas of the City that were zoned RS-3.5 and platted to urban densities as of December 31, 2006. Additionally, the RS-3.5 Zone is retained for areas of the City that were zoned RS-3.5 as of December 31, 2006, and are less than or equal to one acre in size. No new areas shall be zoned RS-3.5 and no existing zones shall be changed to RS-3.5.

### Section 3.1.20 - PERMITTED USES

#### 3.1.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright

1. Residential Use Types - Family
2. Residential Building Types - Single Detached (one unit per lot or parcel)
3. Civic Use Types -
  - a) Community Recreation
  - b) Public Safety Services
4. Agricultural Use Types -
  - a) Garden

##### b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing

structures, subject to the standards in Chapter 4.9 - Additional Provisions.

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Garden
13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
14. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

### **3.1.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions

- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Cultural Exhibits and Library Services
- d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Funeral and Interment Services - Interring and Cemeteries
- f. Lodges, Fraternal and Civic Assembly
- g. Major Services and Utilities
- h. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- i. Participant Sports and Recreation - Indoor and Outdoor
- j. Religious Assembly
- k. Schools

**3.1.20.03 - General Development**

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

- a. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- b. Development consistent with the development standards of the RS-5 Zone, provided adherence to the standards in Chapter 4.10 - Pedestrian Oriented Design Standards and provided that the Housing Types and land uses are consistent with the RS-3.5 Zone.

*[Section 3.1.20 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.1.30 - RS-3.5 DEVELOPMENT STANDARDS**

**Table 3.1-1**

	<b>Standard</b>
<b>a.</b> Minimum Density	2 units per acre
<b>b.</b> Maximum Density	6 units per acre
<b>c.</b> Minimum Lot Area	8,000 sq. ft.
<b>d.</b> Minimum Average Lot Width	65 ft.

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services

4. Agricultural Use Types -

a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- 3. Essential Services
- 4. Day Care, Family, as defined in Chapter 1.6 - Definitions
- 5. Home Business, as defined in Chapter 1.6 - Definitions
- 6. Horticulture - personal use
- 7. Model Dwelling Units
- 8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
- 9. Required off-street parking for Uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
- 10. Sports and Recreation - personal use
- 11. Tree, Row, and Field Crops - personal use

12. Garden

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13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.

14. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

**3.2.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Cultural Exhibits and Library Services
- d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Funeral and Interment Services - Interring and Cemeteries
- f. Group Residential
- g. Group Residential/Group Care
- h. Lodges, Fraternal and Civic Assembly
- i. Major Services and Utilities
- j. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- k. Participant Sports and Recreation - Indoor and Outdoor

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

**3.2.20.03 - General Development**

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

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

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

**Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS**

**Table 3.2-1**

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

- b) Single Detached - Zero Lot Line
- c) Single Attached - Zero Lot Line, two units
- d) Attached - Townhouse, three to five units
- e) Duplex
- f) Multi-dwelling - Triplex and Fourplex only

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services

4. Agricultural Use Types -

- a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- 3. Essential Services
- 4. Day Care, Family, as defined in Chapter 1.6 - Definitions
- 5. Home Business, as defined in Chapter 1.6 - Definitions
- 6. Horticulture - personal use
- 7. Model Dwelling Units

8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Sports and Recreation - personal use
10. Tree, Row, and Field Crops - personal use
12. Garden
13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
14. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

### **3.3.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Cultural Exhibits and Library Services
- d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Funeral and Interment Services - Interring and Cemeteries
- f. Group Residential - more than 12 persons
- g. Group Residential/Group Care - more than 12 persons
- h. Lodges, Fraternal and Civic Assembly

- i. Major Services and Utilities
- j. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- k. Participant Sports and Recreation - Indoor and Outdoor
- l. Religious Assembly
- m. Residential Care Facilities - more than 12 persons
- n. Schools

**3.3.20.03 - General Development**

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

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

*[Section 3.3.20 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.3.30 - RS-6 DEVELOPMENT STANDARDS**

**Table 3.3-1**

		<b>Standard</b>
<b>a.</b>	Minimum Density	2 units per acre for existing platted lots as of December 31, 2006; however, all new Residential Subdivisions and Planned Developments in this zone shall achieve a minimum density of 4 dwelling units per acre.
<b>b.</b>	Maximum Density	6 units per acre

- a) Single Detached
- b) Single Detached - Zero Lot Line
- c) Single Attached - Zero Lot Line, two units
- d) Attached - Townhouse, three to five units
- e) Duplex
- f) Manufactured Dwelling Park in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards
- g) Multi-dwelling - Triplex and Fourplex only
- h) North Campus Area only: Multi-dwellings (more than four units) existing prior to December 31, 2006 in accordance with Section 3.4.60 below

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services

4. Commercial Use Types -

Offices, as defined in Chapter 1.6 - Definitions, and existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.4.20.02 below.

5. Agricultural Use Types -

a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions

2. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Garden
13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
14. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

#### **3.4.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Collocated/attached Wireless Telecommunication Facilities on

- b) Single Detached - Zero Lot Line
- c) Single Attached - Zero Lot Line, two units
- d) Attached - Townhouse, three to five units
- e) Duplex
- f) Multi-dwelling - Triplex and Fourplex only
- g) Multi-dwellings - more than four units, existing prior to December 31, 2006 in accordance with Section 3.5.60 below
- h) Manufactured Dwelling Facility in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services

4. Commercial Use Types - Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.5.20.02 below

5. Agricultural Use Types -

- a) Garden

b. **Accessory Uses Permitted Outright**

- 1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Garden
13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
14. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.

### **3.5.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions

- g) Manufactured Dwelling Facility in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards

3. Civic Use Types -

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

4. Commercial Use Types -

- a) Commercial Use Types existing prior to December 31, 2006, along SW Fifth and SW Sixth streets, from SW Adams Avenue to Western Boulevard
- b) Lodging Services - Bed and Breakfast only
- c) Offices, as defined in Chapter 1.6 - Definitions, and existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.6.20.02, below

5. Agricultural Use Types -

- a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Colocated/attached Wireless Telecommunication Facilities on Multi-family residential structures, with three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the

existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
15. Community Garden - only as an accessory use to Civic Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.

### **3.6.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- n. Participant Sports and Recreation - Indoor and Outdoor
- o. Schools

**3.6.20.03 - General Development**

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

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.6.20 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS**

**Table 3.6-1**

	<b>Standard</b>
<b>a.</b> Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
<b>b.</b> Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
<b>c.</b> Minimum Lot Area	2,200 sq. ft. per dwelling unit
<b>d.</b> Minimum Lot Width	25 ft.

- d. The Common Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.6.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. ~~The~~ Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.
- f. Where more than one tot lot or community garden is required, the developer may provide individual tot lots and / or community gardens. ~~or~~ may combine them into larger playground or gardening areas.
- g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.

#### **3.6.50.04 - Option to Combine Private and Common Outdoor Space**

- a. The private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.
- b. The combined outdoor space may be covered, but it shall not be fully enclosed.

#### **3.6.50.05 - Outdoor Space Credits**

When a development site zoned RS-12 is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an Outdoor Space Credit, not to exceed

25 percent of the total outdoor space requirement pertaining to both Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

### **3.6.50.06 - Location of Green Area**

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

- a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;
- b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.6.50 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.6.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominant purpose of the RS-12 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, location, or age, ~~cannot be successfully, economically, and fully utilized for Residential Use should not be restricted to residential use only~~. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type,

- f) Multi-dwelling
- g) Manufactured Dwelling Facility in accordance with Chapter 4.8  
- Manufactured Dwelling Facility Standards

3. Civic Use Types -

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

4. Commercial Use Types -

- a) Professional and Administrative Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.7.20.02 below
- b) Lodging Services - Bed and Breakfast only

5. Agricultural Use Types -

- a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model dwelling units
8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

### **3.7.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 10 ft., subject to the standards in

Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

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

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

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

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

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

- a. In addition to the Private Outdoor Space requirements of Section 3.7.50.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:
1. Studio, one- and two-bedroom units: 200 sq. ft. per unit
  2. Three or more bedroom units: 300 sq. ft. per unit
- b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.
- c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.
- d. The Common Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.7.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. ~~The~~ Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.
- f. Where more than one tot lot or community garden is required, the developer may provide individual tot lots and / or community gardens, or may combine them into larger playground or gardening areas.
- g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.

multi-use paths;

- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.7.50 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.7.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominant purpose of the RS-12(U) Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, location, or age, cannot be successfully, economically, and fully utilized for Residential Use should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

#### **3.7.60.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006.

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

#### **3.7.60.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the Uses permitted in Section 3.7.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
  - 1. Providing factual data and information on the potential costs of using the structure for Residential Use compared to estimated potential rent or purchase prices for tenants or owners. Factual

3. Civic Use Types -

- a) Community Recreation
- b) Lodges, Fraternal and Civic Assembly
- c) Postal Services - Customer
- d) Public Safety Services
- e) Religious Assembly
- f) Schools
- g) Social Service Facilities

4. Commercial Use Types -

- a) Professional and Administrative Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.8.20.02 below
- b) Lodging Services - Bed and Breakfast only

5. Agricultural Use Types -

a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model dwelling units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
15. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions

### **3.8.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional

the users of the space.

- e. Private Outdoor Space may be considered as part of the 25 percent Green Area required under Section 3.8.50.01 if it is located on the ground. Upper-story balconies cannot be counted.

### **3.8.50.03 - Common Outdoor Space Per Dwelling Unit**

- a. In addition to the Private Outdoor Space requirements of Section 3.8.50.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:
  - 1. Studio, one- and two-bedroom units: 200 sq. ft. per unit
  - 2. Three or more bedroom units: 300 sq. ft. per unit
- b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.
- c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.
- d. The Common Outdoor Space may be considered as part of the 25 percent Green Area required under Section 3.8.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. ~~The~~ Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.
- f. Where more than one tot lot or community garden is required, the developer

may provide individual tot lots and / or community gardens, or may combine them into larger playground or gardening areas.

- g.** Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in “a,” through “d” above.

#### **3.8.50.04 - Option to Combine Private and Common Outdoor Space**

- a.** The Private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.
- b.** The combined outdoor space may be covered, but it shall not be fully enclosed.

#### **3.8.50.05 - Outdoor Space Credits**

When an RS-20 development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an Outdoor Space Credit, not to exceed 25 percent of the total outdoor space requirement, including Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

#### **3.8.50.06 - Location of Green Area**

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

- a.** Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;

- b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

*[Section 3.8.50 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.8.60 - CONVERSION OF A UNIT TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES**

The predominant purpose of the RS-20 Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, location, or age, cannot be successfully, economically, and fully utilized for Residential Use should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

#### **3.8.60.01 - Size Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006.

OR

- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

#### **3.8.60.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in Section 3.8.20.01 without creating undue financial hardship for both tenants and

- g) Laundry Services
- h) Lodging Services - Bed & Breakfast only
- i) Professional and Administrative Offices
- j) Vocational or Professional Training - within buildings only

5. Agricultural Use Types -

- a) Garden

**b. Accessory Uses Permitted Outright**

- 1. Essential Services
- 2. Home Business, as defined in Chapter 1.6 - Definitions
- 3. Day Care, Family, as defined in Chapter 1.6 - Definitions
- 4. Required off-street parking for Uses permitted in the zone, in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
- 5. Garden
- 6. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
- 17. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.
- 5.8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

**3.9.30.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- e. Retail Sales - General
- f. Any other Use not specifically listed in Sections 3.9.30.01 through 3.9.30.03

[Section 3.9.30 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.9.40 - MUR ZONE DEVELOPMENT STANDARDS**

**3.9.40.01 - Minimum/Maximum Residential Densities**

- a. Minimum residential densities for strictly residential development within an MUR Zone shall be 20 units per acre.
- b. Minimum residential densities for developments that include mixed uses within an MUR Zone shall be 12 units per acre. For these mixed use developments, if less than 20 units per acre are provided, the development shall include a minimum of 10 percent of the total gross floor area in nonresidential uses.
- c. No maximum residential densities are established for the MUR Zone. Building heights regulate maximum densities.

**3.9.40.02 - Nonresidential Uses**

- a. Nonresidential uses in the MUR Zone shall not exceed a size of 3,000 sq. ft. of gross floor area per individual use and shall be limited to a maximum of 20 percent of the total gross floor area in the development site.
- b. Nonresidential uses shall be developed as part of a mixed use building that includes housing (with the exception of Civic Uses) and shall be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of two or more phases, each phase shall also meet this standard.

**3.9.40.03 - MUR Development Standards**

**Table 3.9-1**

	Standard
a. Minimum Lot Area	None
b. Minimum Lot Width	None

4. Agricultural Use Types

a) Garden

**b. Accessory Uses Permitted Outright**

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions.
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use

12. Garden

13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.

14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**3.10.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3- Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Cultural Exhibits and Library Services
- d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Funeral and Interment Services - Interring and Cemeteries
- f. Lodges, Fraternal and Civic Assembly
- g. Major Services and Utilities
- h. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- i. Participant Sports and Recreation - Indoor and Outdoor
- j. Religious Assembly
- k. Schools
- l. Spectator Sports and Entertainment - Limited and Other

**3.10.20.03 - General Development**

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

- a. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- b. Development consistent with the development standards of the RS-5 Zone, provided adherence to the standards in Chapter 4.10 - Pedestrian Oriented Design Standards and provided that the Housing Types and land uses are consistent with the RS-3.5 Zone.

*[Section 3.10.20 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.10.30 - RS-1 DEVELOPMENT STANDARDS**

**Table 3.10-1**

	<b>Standard</b>
a. Minimum Density	2 units per acre
b. Maximum Density	6 units per acre
c. Minimum Lot Area	8,000 sq. ft.
d. Minimum Average Lot Width	65 ft.
e. Minimum Setbacks 1. Front yard  2. Rear yard 3. Side yard (interior) 4. Corner lot  See also "k," and "l," below.	25 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft. 25 ft. 8 ft. 20 ft. on side abutting street and vision clearance in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading and Access Requirements.
f. Minimum Garage/Carport Setbacks 1. Garage/carport entrance parallel to street  2. Garage/carport entrance sideways/perpendicular to the street  See also "k," and "l," below.	19 ft.  15 ft.  Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.  Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

7. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
8. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
9. Garden
10. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

### **3.11.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development, and all other applicable provisions of this Code.

- a. Animal Sales and Services
  1. Veterinary - Small Animals
  2. Grooming
- b. Major Services and Utilities
- c. Participant Sports and Recreation - Indoor
- d. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c of Chapter 4.9 - Additional Provisions
- f. Colocated/attached Wireless Telecommunication Facilities on multi-family

## **Section 3.11.30 - DEVELOPMENT STANDARDS**

### **3.11.30.01 - Dimensional Requirements**

Lot size permitted or authorized in this zone shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the zone.

### **3.11.30.02 - Setbacks**

Setbacks from lot lines abutting the following:

- a. Residential Zones - Shall be equal to the most restrictive setback required in the abutting subject yards. This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No parking or loading areas or driveways shall occupy the landscaped buffer area.
- b. Streets - Minimum of 15 ft. from all street rights-of-way.
- c. All Other Zones - None.
- d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Building Code.

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

- a. Structures in the P-AO Zone shall not exceed a height of 45 ft., or three stories, whichever is less.
- b. Where the P-AO Zone abuts an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the height of structures within the P-AO Zone shall be limited to a maximum of 30 ft. in height (generally two stories) within the first 50 ft. of the property line; and a maximum of 45 ft. in height when more than 50 ft. from contiguous residentially zoned property.

### **3.11.30.04 - Lot Coverage**

**Table 3.14-1 - Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

Use Types	Permit Procedure	
	Minor NC	Major NC
3. Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations	P/PC	P
4. Day Care, Family, as defined in Chapter 1.6 - Definitions	P	P
5. <u>Garden</u>	<u>P</u>	<u>P</u>
6. <u>Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.</u>	<u>P</u>	<u>P</u>
7. <u>Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 - Additional Provisions.</u>	<u>P</u>	<u>P</u>
g. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 45 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements of Section 4.7.70.b of Chapter 4.7 - Sign Regulations.	N	PC

[Section 3.14.30 amended by Ordinance 2012-00x, effective December X, 2012]

stairways and lobbies are permitted on the ground floor adjacent to sidewalks.

t) Vocational or Professional Training

6. Industrial Use Types -

a) Limited Manufacturing

b) Technological Production

7. Parking Services - in accordance with this Chapter

**b. Accessory Uses Permitted Outright**

1. Essential Services

2. Day Care, Family - Accessory to a Permitted Residential Use

3. Home Business - when conducted in conjunction with a Permitted Residential Use

4. Off-street surface and/or structured parking - in accordance with this Chapter

5. Garden (Does not count toward FAR)

6. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions. (Does not count toward FAR)

7. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions. (Does not count toward FAR)

~~5-8.~~ Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

**3.15.30.02 - Special Development**

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

### **3.15.30.03 - General Development**

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

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

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

## **Section 3.15.40 - DEVELOPMENT STANDARDS**

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

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

3. Home Business - when conducted in conjunction with a Permitted Residential Use
4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
8. Garden
9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
10. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

### **3.16.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Major Services and Utilities
- b. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the

setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

- d. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- e. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- f. Spectator Sports and Entertainment - Other - Uses not already Permitted Uses per Section 3.16.20.01.a.4.w.2.

### **3.16.20.03 - General Development**

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

- a. Drive-through Facilities - such as Financial Institutions, Eating Establishments, etc.
- b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- c. Projections such as chimneys, spires, domes, and towers flagpoles, not used for human occupancy exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- d. Freestanding Wireless Telecommunication Facilities up to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.16.20 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 3.16.30 - DEVELOPMENT STANDARDS**

**Table 3.19-1  
Permitted Use Types**

**P = Use Types Permitted Outright**  
**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**  
**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**  
**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**  
**N = Not Permitted**

<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
<b>c. Accessory Uses</b>			
1. Essential Services - contained within enclosed building	P		
2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P		
3. Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations	P		
4. Home Business	P		
5. Day Care, Family, as defined in Chapter 1.6 - Definitions	P		
<u>6. Garden</u>	<u>P</u>		
<u>7. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>		

**Table 3.19-1  
Permitted Use Types**

**P = Use Types Permitted Outright**  
**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**  
**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**  
**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**  
**N = Not Permitted**

<i>Use Types</i>	<i>Permit Procedure</i>		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
<u>8.</u> <u>Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>		
<b>d.</b> Projections such as chimneys, spires, domes, and towers not used for human occupancy exceeding 75 ft. in height, in accordance with Chapter 2.13 - Plan Compatibility Review, unless adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.	PC		
<b>e.</b> <b>Civic Use Types</b> 1.     Administrative Services <sup>3</sup> 2.     Community Recreation 3.     Essential Services 4.     Lodge, Fraternal, and Civic Assembly	P PC P	P	CD

<sup>3</sup> A Civic Use Type that may be considered as a Commercial Use for the purposes of calculating the minimum Floor Area Ratio (FAR) as required by Section 3.19.40.03, provided it occupies the ground floor area.

**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.
17. Funeral and Interment Services - Cremating and Undertaking	P		
18. Laundry	P		
19. Lodging Services - Hotels/Motels		P	CD
20. Medical Services		P	CD
21. Participant Sports and Recreation - Indoor		P	CD
22. Professional and Administrative Services - above ground floor only		P	PC
23. Repair Services - Consumer	P		
24. Research Sales and Services	P		
25. Retail Sales -15,000 sq. ft. maximum Use size		P	PC (15,000 sq. ft. max. Use size)
26. Spectator Sports and Entertainment - Limited		P	CD
27. Swap Meets		PC	CD
28. <u>Technical Technology and Support Services Center</u>		P	CD
<del>29. Telemarketing Center</del>		<del>P</del>	<del>CD</del>
<del>3029. Temporary Outdoor Markets</del>		<del>PC</del>	<del>CD</del>
<u>30. Vocational or Professional Training</u>		<u>P</u>	<u>CD</u>

[Section 3.19.30 amended by Ordinance 2012-00x, effective December X, 2012]

**Table 3.20 - 1  
Permitted Use Types**

**P = Use Types Permitted Outright**  
**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**  
**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**  
**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**  
**N = Not Permitted**

<i>Use Types</i>	<i>Permit Procedure</i>
6. Fuel Sales	P
7. Funeral and Interment Services - Cremating and Undertaking	P
8. Laundry - industrial laundry and cleaning services only	P
9. Parking Lot Kiosk	P
10. Participant Sports and Recreation -	P
a) Indoor	
b) Outdoor	
11. Repair Services - Industrial or business related only	P
12. Lodging Services	
a) Hotel/Motel	N
b) Campgrounds	CD
<u>13. Vocational or Professional Training</u>	<u>P</u>
<u>14. Wholesale, Storage, and Distribution</u>	P
<b><u>d. Agricultural Use Types</u></b>	
<b><u>1. Horticulture - Cultivation, and Storage</u></b>	<u>P</u>
<b>d. e. Accessory Uses - contained within enclosed building</b>	
1. Day Care, Commercial Facility	P
2. Essential Services	P
3. Food and Beverage Retail Sales	P

**Table 3.20 - 1  
Permitted Use Types**

**P = Use Types Permitted Outright**

**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**

**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**

**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**

**N = Not Permitted**

<i>Use Types</i>	<i>Permit Procedure</i>
4. Professional and Administrative Services	P
5. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P
6. One residence per development site developed simultaneously with or following development of Primary and Accessory Uses permitted outright.	P
7. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations	P
8. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations	PC
9. Day Care, Family, as defined in Chapter 1.6 - Definitions	P
10. <u>Garden</u>	<u>P</u>
11. <u>Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>

## **Section 3.20.40 - DEVELOPMENT STANDARDS**

### **3.20.40.01 - Use and Building Size Limitations**

The maximum building footprint within the MUGC Zone is 55,000 sq. ft., which does not include outside storage associated with a Use. There are no minimum or maximum sq. ft. limitations for Uses in the MUGC Zone.

### **3.20.40.02 - Lot Area**

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

### **3.20.40.03 - Setbacks**

- o **Front and Exterior Side Yard** - 10 ft. minimum and 25 ft. maximum setback. Buildings interior to a development site are exempt from this requirement provided other building(s) on the site meet the requirement. In no case shall parking facilities or circulation facilities, such as driveways and queues, be allowed between the building front and the street.
- o **Interior Side Yard** - 10 ft. minimum setback.
- o **Rear Yard** - 10 ft. minimum setback.

### **3.20.40.04 - Building Orientation**

- a. All new buildings shall comply with Section 3.20.40.10 - Pedestrian Oriented Design Standards, below.
- b. **Transit-oriented Development** - In addition to the requirements of "a," above, when a building is located within 100 ft. of an existing or planned transit stop or route, the building and at least one of its entrances shall be oriented to the transit stop or route. This criterion is met by facing the entrance toward the bus stop or route and providing a direct pedestrian connection between the bus stop or route and the entrance, in conformance

**Table 3.21-1  
Permitted Use Types**

**P = Use Types Permitted Outright**  
**PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review**  
**CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development**  
**PD = Use Types Subject to Review of Chapter 2.5 - Planned Development**  
**N = Not Permitted**

<i>Use Types</i>	<i>Permit Procedure</i>
<u><b>g. Agricultural Use Types</b></u>	
<u><b>1. Horticulture - Cultivation, and Storage</b></u>	<u><b>P</b></u>
<b>g. h. Accessory Uses</b>	
1. Essential Services	P
2. Day Care, Family	P
3. Home Business - when conducted in conjunction with a Permitted Residential Use.	P
4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P
5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations	P
6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.	P
7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.	P

**Table 3.21-1  
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<i>Use Types</i>	<i>Permit Procedure</i>
<u>8. Garden</u>	<u>P</u>
<u>9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>
<u>10. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u>	<u>P</u>

[Section 3.21.30 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.21.40 - DEVELOPMENT STANDARDS FOR GENERAL AND INTENSIVE INDUSTRIAL USES**

- a. All General Industrial Uses shall conform to the development standards of the General Industrial Zone.
- b. All Intensive Industrial Uses shall conform to the development standards of the Intensive Industrial Zone unless specified otherwise.

**Section 3.21.50 - DEVELOPMENT STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES**

The following provisions identify development standards within the MUT Zone for all development of a Civic, Commercial, Limited Manufacturing, or Residential Use Type.

**3.21.50.01 - Minimum Lot Area and Setback Requirements**

**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
<u>12.</u> <u>Vocational or Professional Training</u>	<u>P</u>
<p><b>d. Industrial Use Types</b></p> <p>1. Limited Manufacturing - does not require a state or federal air quality discharge permit, but may include more than 20 employees per shift</p> <p>2. Technological Production</p>	<p>P</p> <p>P</p>
<p><b><u>e.</u> <u>Agricultural Use Types</u></b></p> <p><u>1.</u> <u>Row and Field Crops</u></p> <p><u>2.</u> <u>Tree Crops</u></p>	<p><u>P</u></p> <p><u>P</u></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
<p><b>e. f. Accessory Use Types - contained within enclosed building</b></p> <ol style="list-style-type: none"> <li>1. Essential Services</li> <li>2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements</li> <li>3. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations</li> <li>4. <u>Postal Services -</u> <ol style="list-style-type: none"> <li>a) Customer</li> <li>b) Retail</li> </ol> </li> <li>5. <u>Garden</u></li> <li>6. <u>Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.</u></li> </ol>	<p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center"><u>P</u></p> <p align="center"><u>P</u></p>
<p><b>f.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 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</b></p>	<p align="center">PC</p>

## **Section 3.22.40 - LI-O DEVELOPMENT STANDARDS**

### **3.22.40.01 - Lot Area**

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

### **3.22.40.02 - Setbacks**

- a. **Front Yard and Exterior Side Yard** - 25 ft. minimum and 40 ft. maximum setback. Through the procedures identified in Section 3.22.40.08.c, an exception of up to 100 percent of the maximum setback may be granted for Industrial Use Types with certain characteristics and that are located along a Gateway Street.
- b. **Interior Side Yard** - 25 ft. minimum setback.
- c. **Rear Yard** - 25 ft. minimum setback.

### **3.22.40.03 - Gateway Standards**

Standards in Section 4.2.70 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall apply to development along a Gateway Street, as designated by the Comprehensive Plan.

### **3.22.40.04 - General Landscaping Standards**

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

- a. **Landscaping Between LI-O Zone and Other Zones** - Landscaping and screening shall be required between property zoned LI-O and other zones, and shall consist of a combination of ground cover, shrubbery, and trees and fences and/or walls in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, when a site abuts a residential or mixed use zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the parcel

f) Vocational or Professional Training - 20 or fewer employees per shift

eg) Wholesaling, Storage, and Distribution - Light

3. Industrial Use Type -

Limited Manufacturing - 20 or fewer employees per shift and does not require a state or federal air quality discharge permit, except for parking

4. Agricultural Use Types -

a) Horticulture

1) Cultivation

2) Storage

b) Packing and Processing - Limited

c) Row and Field Crops

d) Tree Crops

**b. Accessory Uses Permitted Outright**

1. Essential Services

2. One residence per development site - developed simultaneously with or following development of Primary and Accessory Uses permitted outright.

3. Required off-street parking for Uses permitted in the Zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

4. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.

5. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not

increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

6. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

7. Garden

8. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

### **3.23.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.

- a. Limited Manufacturing - more than 20 employees per shift or requiring a state or federal air quality discharge permit, except for parking.
- b. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- d. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- e. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- f. Technical Technology and Support Services Center - more than 20 employees per shift.
- ~~g. Telemarketing Center - more than 20 employees per shift.~~
- g. Vocational or Professional Training - more than 20 employees per shift.

### **3.23.20.03 - General Development**

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

- a. Any lot with more than one accessway 24 ft. or wider.
- b. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions.
- c. Projections such as chimneys, spires, domes and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions, unless adjacent to an RS-1, RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.23.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.23.30 - DEVELOPMENT STANDARDS**

### **3.23.30.01 - Lot Area**

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

### **3.23.30.02 - Setbacks**

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

- 1. A setback of not less than 25 ft. shall be provided along each LI Zone boundary line abutting any Residential, Agriculture-Open Space, or

- b) Limited Manufacturing
- c) Technological Production

4. Agricultural Use Types -

- a) Row and Field Crops
- b) Tree Crops
- c) Horticulture - Cultivation, and Storage

**b. Accessory Uses Permitted Outright**

- 1. Essential Services
- 2. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.
- 3. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.
- 4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

5. Garden

- 6. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**3.24.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.

- a. Automotive and Equipment - Sales/Rentals, Light Equipment to be reviewed in accordance with Section 3.24.30.07 below.

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

### **3.24.20.03 -General Development**

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

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

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

## **Section 3.24.30 - DEVELOPMENT STANDARDS**

### **3.24.30.01 - Lot Area**

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

### **3.24.30.02 - Setbacks**

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

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

4. Agricultural Use Types -
  - a) Animal Waste Processing
  - b) Row and Field Crops
  - c) Tree Crops
  - d) Horticulture - Cultivation, and Storage

**b. Accessory Uses Permitted Outright**

1. Essential Services
2. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.
3. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.
4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.
5. Garden
6. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**3.25.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.

- a. Intensive Industrial Uses
- b. Established Intensive Industrial Uses, when either one of the following occurs:

1. A change in operation or increase in production creates the need to secure approval from an environmental permitting agency to increase air, water, or noise emissions unless such emission levels were approved by the City through a previous land use process; or
  2. Specific limits or conditions related to operations, physical expansion, etc. established by a previous land use approval are exceeded.
- c. Freestanding Wireless Telecommunication Facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
  - d. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
  - e. Colocated/attached Wireless Telecommunication Facilities that increase the height of the existing structures by more than 20 ft, subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.25.20.03 - General Development**

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

- a. Explosive or Fuel Storage
- b. Projections such as chimneys, spires, domes, and towers, not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-1, RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations

*[Section 3.25.20 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 3.25.30 DEVELOPMENT STANDARDS**

### **3.25.30.01 - Lot Area**

**b. Accessory Uses Permitted** - In accordance with Chapter 2.13 - Plan Compatibility Review.

1. Essential Services
2. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.
3. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

5. Garden

6. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**3.26.30.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- b. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- c. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including

mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- d. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.26.30.03 - General Development**

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

- a. Major Services and Utilities
- b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- c. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations
- d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.26.30 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 3.26.40 - DEVELOPMENT STANDARDS**

The Conceptual Development Plan for the entire RTC site shall comply with the standards listed below. When the Planning Commission reviews a proposed Conceptual Development Plan for the entire RTC site, it shall also ensure that the plan limits the Uses specified in Section 3.26.30.01.a.3 to 20 percent or less of the gross floor area of the development site.

The purpose of special limitations regarding the Uses in Section 3.26.30.01.a.3 is to ensure that the proposed Use or Uses will serve the shopping and service needs primarily of employees and businesses of the Uses in the RTC site. Building Permits for these Commercial Uses shall be approved only when subordinate to other existing RTC development. Permits for these subordinate Uses shall be issued concurrent with or

- c) General Industrial Uses that do not result in the following nuisance conditions detectable from the boundaries of the subject property. Nuisance conditions can result from any of the conditions in “1,” through “4,” below, except as allowed in “5,” below.
  - 1) Continuous, frequent, or repetitive noises or vibrations;
  - 2) Noxious or toxic fumes, odors, or emissions;
  - 3) Electrical disturbances; or
  - 4) Night illumination into residential areas.
  - 5) Exceptions - Exceptions to conditions in “1,” through “4,” above, include:
    - a. Noise and vibrations from temporary construction;
    - b. Noise from vehicles or trains entering or leaving the site;
    - c. Noise and vibrations occurring less than 15 minutes per day;
    - d. An odor detected for less than 15 minutes per day; and
    - e. Noise detectable only as part of a composite of sounds from various off-site sources.

6. Agricultural Use Types -

a) Horticulture - Cultivation, and Storage

**b. Accessory Uses Permitted Outright**

- 1. Essential Services
- 2. Day Care, Family

3. Home Business - when conducted in conjunction with a Permitted Residential Use
4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
8. Garden
9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
10. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

### **3.27.30.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code. Additionally, Commercial Use Types with an asterisk (\*) may be considered as Industrial Uses for the purposes of calculating minimum Floor Area Ratios (FARs) as required by Section 3.27.40.01 and as addressed in Section 3.27.30.03.d, because they are Uses that are also classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones.

mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- m.** Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.27.30.03 - General Development**

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

- a.** Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- b.** Transit Facilities
- c.** Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 55 ft. in height - unless the height limit for the subject property is 75 ft. per Section 3.27.40.03, in which case the threshold is 75 ft., in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements of Section 4.7.70.b.
- d.** Non-industrial Uses that exceed the square footage of Industrial Uses. Note: Commercial Use Types listed in Section 3.27.30.01.a.4 and classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones may be considered as Industrial Uses for the purposes of calculating these square footages.
- e.** Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

[Section 3.27.30 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.27.40 - DEVELOPMENT STANDARDS**

The following provisions identify development standards within the MUE Zone.

### **3.27.40.01 - Preservation of Industrial Land Supply**

- 6) Retail Sales - University;
- 7) Spectator Sports and Entertainment; and
- 8) Participant Sports and Recreation.
- 9) Industrial Use Types - Industrial Use Types considered to be University Services and Facilities include, but are not limited to:
  - a. Technological Production;
  - b. Limited Manufacturing; and
  - c. Other Industrial Uses customarily associated with Research Services.
- i) Freestanding Wireless Telecommunications Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

4. Agricultural Use Types - all Agricultural Use Types

**b. Accessory Uses Permitted Outright for University-owned Properties**

- 1. Essential Services
- 2. Family Day Care, as defined in Chapter 1.6 - Definitions
- 3. Home Business, as defined in Chapter 1.6 - Definitions
- 4. Major Services and Utilities
- 5. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions
- 6. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
- 7. Collocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories, and that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
- 8. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting,

or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- 9. Garden
- 10. Market Garden - subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
- 11. Community Garden – subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**c. Privately Owned Parcels within the OSU Zone -**

- 1. Seven privately owned parcels developed as single- and multi-family residential uses are within the OSU Zone. These parcels are listed in Table 3.36-1 - Privately Owned Parcels, below.

<b>Table 3.36-1: Privately Owned Parcels</b>			
<b>Parcel</b>	<b>Street Address</b>	<b>Sector</b>	<b>Current Use</b>
12503AA06500	633 SW 17th Street	G	Multi-family Residential
12503AA06400	645 SW 17th Street	G	Multi-family Residential
12503AA50800	1563 SW 'A' Street	G	Single-family Residential.
12503AA06300	636 SW 16th Street	G	Single-family Residential
12503AC00100	1820 Stadium Ave.	G	Single-family Residential
11535CC01100	136 SW 9th Street	D	Multi-family Residential
115340000200	200-510 SW 35th Street	A	N/A

- 2. The parcels in Table 3.36-1 - Privately Owned Parcels, may be developed as:
  - a) Uses consistent with the University Services and Facilities Use Type in accordance with Section 3.0.30.02.n; or
  - b) Residential Uses in accordance Section 3.36.60, below.

**3.36.20.02 – Conditional Development**

The following Uses are subject to review in accordance with Chapter 2.3 - Conditional Development, the provisions of this Chapter, and all other applicable provisions of this Code.

- a. Uses that require a state or federal air quality discharge permit (except for parking);

- d) Within one year of adoption of the CMP, and on a recurrent two-year schedule, OSU shall complete in coordination with City Staff a baseline traffic count for Jackson Avenue between Arnold Way and 35<sup>th</sup> Street. City staff shall provide OSU and the neighborhood association with the most recent baseline traffic volume measurements made within the last five years.

**b. Additional monitoring efforts include:**

1. Within one year of adoption of the CMP, OSU should work with the City to perform a baseline traffic count of local streets identified by neighborhood associations as problems in the areas bordering Sectors A, B, and C, and south of Harrison Boulevard; and
2. OSU shall participate as a full partner in a task force initiated by the City with City, University, neighborhood association and neighborhood business representation, to review and evaluate existing baseline traffic measurements, parking studies, and other relevant information and develop strategies to mitigate problem areas.

## CHAPTER 3.37 AGRICULTURE-OPEN SPACE (AG-OS) ZONE

### Section 3.37.10 - PURPOSE

This Zone is intended to implement the Open Space - Agriculture Comprehensive Plan Map designation and recognize areas within the City suitable for Agricultural Research Use and for Uses compatible with Agricultural and Horticultural Research Use Types. The characteristics of such Use Types typically result in preservation of large open space areas. Residential Uses are Accessory to the Primary Uses.

### Section 3.37.20 - PERMITTED USES

#### 3.37.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright -

1. Civic Use Types - Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
  
2. Agriculture Use Types -
  - a) Animal Husbandry
  - b) Aquaculture
  - c) Horticulture, Cultivation, and Storage
  - d) Research Facilities and Services - related to the Use Types in "a," through "c," above
  - e) Row and Field Crops
  - f) Tree Crops
  - g) Garden
  - h) Community Garden – subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

**b. Accessory Uses Permitted Outright**

1. Animal Sales and Services - Veterinary
2. Animal Waste Processing
3. Packing and Processing - Limited
4. Essential Services
5. Required off-street parking for Uses permitted in this Zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
6. Other development customarily incidental to the Primary Use and in accordance with Chapter 4.3 - Accessory Development Regulations
7. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
8. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

9. Garden

**3.37.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development.

**a. Commercial Use Types -**

6. Barns;
7. Kennels for dog and cat keeping;
8. Gazebos;
9. Solar and wind energy systems, including solar collectors, storage facilities, distribution components, and wind generation devices; and
10. Other necessary and customary developments as determined by the Director in accordance with Section 4.3.20 above and Chapter 2.16 - Request for Interpretation.

**c.** When the primary use on a lot is a Garden, the combined square footage of all accessory structures shall not exceed 600 sq. ft. and the cumulative maximum allowed square footage for all non-greenhouse structures is 200 sq. ft.

*[Section 4.3.40 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 4.3.50 - CIVIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, OR EXTRACTIVE USE TYPES**

Accessory development customarily associated with, and subordinate to, the Primary Civic, Commercial, Industrial, Agricultural, or Extractive Use Types shall be permitted where these Use Types are authorized.

**Industrial and Agriculture/Open Space Zones**

- a. **A single dwelling unit shall be permitted in Industrial zones and the Agricultural/Open Space Zone, provided that the Uses are for the following:**
  1. Caretaker or Superintendent - On a lot or building site with a Permitted Industrial Use and occupied exclusively by a caretaker or superintendent of such Industrial Use and his/her family;
  2. Farm Owner or Operator - On a lot or building site having a net area of at least five acres being farmed and occupied exclusively by the owner or operator and his/her family;
  3. Kennel Owner or Operator - On a lot or building site with a kennel, and occupied by the owner or operator; or

## Section 4.9.90 - Urban Agriculture Standards

### a. Market Gardens

1. Market Garden activities shall be conducted by members of the family occupying the associated dwelling, with up to one additional employee, or full-time-equivalent, whose work on the site shall not exceed 40 hours per work week.
2. No display shall indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling, except that signage consistent with Section 4.7.90.01 of Chapter 4.7 - Sign Regulations is allowed.
3. The amount of commercial activity is less intensive than activities permitted in a commercial zone.
4. The use will not cause excessive or unusual traffic in the vicinity because of deliveries, pick-ups, parking, sales, or other activities.
5. Noise, smoke, or odors do not exceed those created by normal residential use, for more than 24 hours per year.
6. Retail activities shall occur only within the home, garage, permanent outbuildings, or stands or kiosks as described in "7", below.
7. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard, and shall cease operations, by 8:00 PM each day. Stands and kiosks shall not be permitted in the public right-of-way.

### b. Community Gardens

1. Gardens shall be at least 5-ft from all property lines.
2. Items such as tools, equipment, and fuel, shall be stored within enclosed buildings or screened per Section 4.2.50.02 - Service Facilities and Outdoor Storage Areas.
3. Sales and donation of products grown in the community garden may occur on-site. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard by 8:00 PM each day.

*[Section 4.9.90 added by Ordinance 2012-00x, effective December X, 2012]*