

CHAPTER 3.14

NEIGHBORHOOD CENTER (NC) ZONE

Section 3.14.10 - PURPOSE

The Neighborhood Center (NC) Zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The Neighborhood Center Zone is intended to provide for concentrations of Civic Uses, retail businesses, commercial and personal service activities, and residential/commercial mixed use developments in the core of comprehensive neighborhoods, as envisioned by the Comprehensive Plan.

Commercial Uses in Minor Neighborhood Centers are intended to serve neighborhood shopping and office needs. Commercial uses in Major Neighborhood Centers are intended to serve broader community shopping and office needs in addition to the needs of the nearby neighborhood. Both Minor and Major Neighborhood Centers are encouraged to the maximum extent possible to include Civic uses that support the nearby comprehensive neighborhood. In Major Neighborhood Centers, such civic uses may also serve a larger population.

The Neighborhood Center Zone also serves these purposes:

- a.** Locates a range of businesses within convenient walking and cycling distance of residential areas;
- b.** Ensures human-scale development oriented to pedestrian-friendly Shopping Streets;
- c.** Supports the use of alternative modes of transportation, including walking, riding transit, and bicycling;
- d.** Develops neighborhood cores at an appropriate human scale, while minimizing hazards, noise, traffic congestion, and other related effects of commercial concentrations;
- e.** Implements the Comprehensive Plan provisions for development of Minor and Major Neighborhood Commercial Centers by establishing Minor NC and Major NC Zones on the Official Zoning Map; and
- f.** Provides useful public spaces serving the neighborhood core and surrounding uses.

Section 3.14.20 - GENERAL PROVISIONS - Establishment of the NC Zone

The NC Zone designation shall apply to lands identified as NC on the Official Zoning Map as of December 31, 2006, except as amended in accordance with the provisions of this Chapter, Chapter 2.2 - Zone Changes, and applicable Comprehensive Plan policies. Zone Changes to establish new NC Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or properties to which this designation is applied through a subsequent or concurrent Comprehensive Plan Map Amendment. The NC Zone also may be applied through a legislative process in accordance with the procedures identified in Chapter 2.0 - Public Hearings. The designation of Minor NC or Major NC shall be applied when the Zone is established.

The following locational and dimensional criteria shall apply to new NC Zones.

a. Locational Criteria

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

1. The Major NC Zone designation may be applied only to parcels at or near an intersection of Collector and/or Arterial Streets.
2. The Minor NC Zone may be applied to parcels at or near intersections of Neighborhood Collector, Collector, or Arterial Streets. Intersections may also include a Local or Local Connector Street, provided that it intersects with a Neighborhood Collector, Collector, or Arterial Street.
3. As much as practicable, NC Zone boundaries shall occur such that similar Uses face each other along street frontages.
4. The Minor NC Zone shall have at least 100 ft. of frontage and the Major NC Zone at least 200 ft. of frontage either along an existing or planned Shopping Street, as defined in Chapter 4.0 - Improvements Required with Development, or along a dedicated public square or plaza. See Figure 3.14-1 - Frontage Along a Shopping Street .

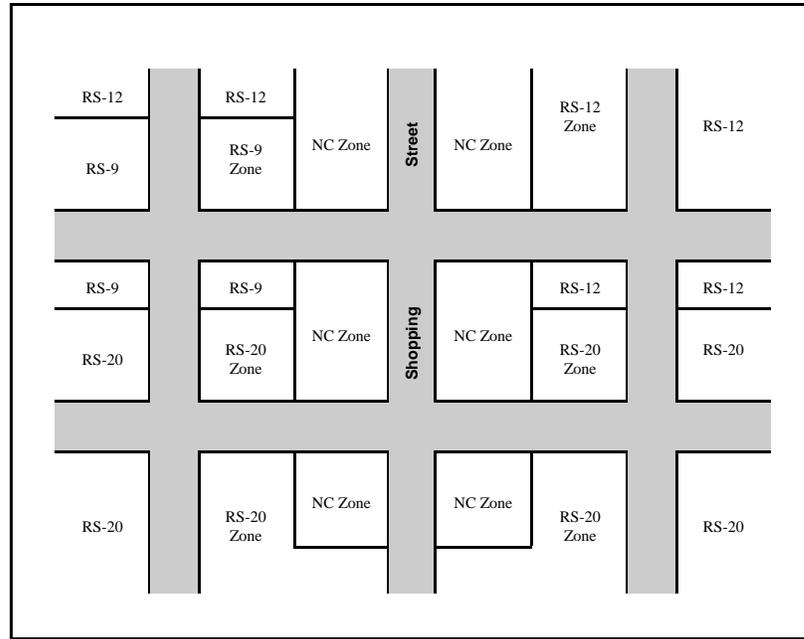


Figure 3.14-1 - Frontage Along a Shopping Street

AND EITHER

5. All portions of the NC Zone shall be located within 1/4 mile of existing or planned transit service, and any Major NC Zone shall be located at major intersections along transit routes on Arterial Streets.

OR

6. The NC Zone shall be located in areas determined, through a legislative process in accordance with Chapter 2.0 - Public Hearings, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood for Minor NC Zones, and to the affected comprehensive neighborhood and larger community for Major NC Zones.

b. Zone Size and Dimensions

The following size and dimensional criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes.

1. A new NC Zone shall consist of at least one whole legal lot or parcel if the lot or parcel is one acre or smaller in size. When multiple tax lots or parcels are included, portions of individual lots or parcels at

least one acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zoning designation. Existing public street rights-of-way shall not count toward the total area of a zone.

2. Minor NC Zones shall not exceed three acres.
3. Major NC Zones shall not exceed 12 acres.
4. Exceptions to "2," and "3," above, may occur if a site is determined, through a legislative process in accordance with Chapter 2.0 - Public Hearings, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

c. Master Site Plan for Major Neighborhood Centers

A Master Site Plan for each Major NC Zone shall be required for applicable development, as defined in Section 2.10.30 of Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.

Section 3.14.30 - PERMITTED USES

Land uses in the NC Zone shall conform to the list of Use Types in Table 3.14-1 - Use Types. Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.3 - Conditional Development Review and Chapter 2.5 - Planned Development Review are identified with a CD and a PD, respectively. Uses identified with an N are not permitted.

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
a. Prior Established Uses¹		
1. Uses existing prior to December 31, 2006, and in compliance with the Code on that date	P	P
2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P	P
b. Civic Use Types²		
1. Administrative Services ³	P	P
2. Civic Assembly - maximum use size of 5,000 sq. ft.	P	P
3. Civic Assembly - use size > 5,000 sq. ft.	N	CD

1

Uses that were in existence and permitted in zoning prior to December 31, 2006, and are now located in NC Zones, shall not be classified as nonconforming uses unless they have been discontinued for a period of at least 18 months, in which case the requirements in Section 1.4.40.03 of Chapter 1.4 - Nonconforming Development, shall apply. Expansions and enlargements shall comply with all other applicable Code requirements. Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2006, are allowed pursuant to the requirements in Section 1.4.50.02 of Chapter 1.4 - Nonconforming Development.

2

A Civic Use Type that exceeds 5,000 sq. ft. must demonstrate through a Conditional Development Review that it primarily serves the immediate area. Parks, plazas, and similar public spaces are exempt from this provision.

3

A Civic Use Type that may be considered as a Commercial Use for the purposes of calculating the minimum Floor Area Ratio (FAR) as required by Section 3.14.40.05, provided it occupies the ground floor area.

Table 3.14-1 - Use Types

P = Use Types Permitted Outright

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

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

N = Not Permitted

Use Types	Permit Procedure	
	Minor NC	Major NC
4. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions	P	P
5. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions	P	P
6. Community Recreation	CD	PC
7. Cultural Exhibits and Libraries ³	P	P
8. Essential Services	P	P
9. Freestanding Wireless Telecommunication Facility	N	PC
10. Lodge and Fraternal - above ground floor only	CD	PC
11. Major Services and Utilities - including hospitals, mass transit waiting stations or turnarounds, and schools (on second floors), but not including uses such as sanitary landfills, airports, or detention and correctional institutions	CD	CD
12. Minor Utilities - subject to standards in Chapter 4.9 - Additional Provisions	PC	PC
13. Parking Services	N	CD

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N = Not Permitted

Use Types	Permit Procedure	
	Minor NC	Major NC
14. Postal Services - Customer ³	P	P
15. Public Safety	P	CD
16. Religious Assembly - maximum use size of 5,000 sq. ft.	P	P
17. Religious Assembly - use size > 5,000 sq. ft.	N	CD
18. University Services and Facilities	PC	PC
c. Commercial Use Types - contained within enclosed building		
1. Agricultural Sales	N	CD
2. Animal Sales and Service - Grooming, Kennels - indoor, Veterinary - small animals, but excluding other Animal Sales and Service Use Types	P	P
3. Automotive and Equipment - subject to the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards	N	CD
a) Car Wash	N	CD
b) Light Equipment Repairs	N	CD
c) Light Equipment Sales and Rentals	N	CD
4. Building Maintenance Services	CD	P
5. Business Equipment Sales and Services	P	P
6. Business Support Services	P	P
7. Day Care, Commercial Facility	CD	P
8. Communication Service Establishments	CD	P
9. Construction Sales and Services	CD	P

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N = Not Permitted

Use Types	Permit Procedure	
	Minor NC	Major NC
10. Convenience Sales and Personal Services - except Drive-through Facilities	P	P
11. Drive-through Facilities	N	CD
12. Eating and Drinking Establishments - except Drive-through Facilities	P	P
13. Financial, Insurance, and Real Estate Services	P	P
14. Food/Beverage Retail - except Drive-through Facilities	P	P
15. Fuel Sales	N	CD
16. Funeral and Interment Services - Cremating and Undertaking only	N	CD
17. Laundry Services	P	P
18. Lodging Services - Hotels/Motels, above ground floor only	N	CD
19. Medical Services	P	P
20. Participant Sports and Recreation		
a) Indoor	P	P
b) Outdoor	N	CD
21. Professional and Administrative Services	P	P
22. Repair Services - Consumer	P	P
23. Research Services	PC	P
24. Retail Sales	P	P
25. Spectator Sports and Entertainment		
a) Limited	CD	PC
b) Other	N	CD

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N = Not Permitted

Use Types	Permit Procedure	
	Minor NC	Major NC
26. Technical Support Center - upper floors only	P	P
27. Telemarketing Center - upper floors only	P	P
28. Temporary Outdoor Markets - limited to farmers' markets and similar uses	PC	P
d. Residential Use Types - Family, Group Residential, Group Residential/Group Care, Residential Care Facilities, Home Business ⁴	P	P
e. Residential Building Types - Attached, Townhouse, Multi-dwelling. Any residential Building Type may be authorized through a Planned Development approval	PC	P
f. Accessory Uses⁵		
1. Essential Services - contained within enclosed building	P	P
2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P	P
3. Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations	P/PC	P
4. Day Care, Family, as defined in Chapter 1.6 - Definitions	P	P

4 Single-family residential units approved and constructed prior to Annexation are allowed as Nonconforming Uses.

5 All Accessory Uses shall comply with the provisions of Section 3.14.40.01.

Table 3.14-1 - Use Types		
P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted		
Use Types	Permit Procedure	
	Minor NC	Major NC
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 3.14.40 - NC ZONE DEVELOPMENT STANDARDS

3.14.40.01 - Use and Building Size

All development shall comply with the following standards for Use and building size:

a. Minor NC Zone

1. The maximum size of a Use shall be 5,000 sq. ft., except that Uses fronting an Arterial or Collector Street may be 15,000 sq. ft. per Use.
2. The maximum building footprint shall be 20,000 sq. ft. per building except that the footprint of buildings fronting Arterial or Collector Streets may be 25,000 sq. ft. Floor space exceeding 20,000 sq. ft. of gross floor area within one building footprint, or 25,000 sq. ft. for buildings on Arterial or Collector Streets, shall be accommodated on additional floors, such as basements, full floors, partial floors, and/or mezzanines.

b. Major NC Zone

1. There is no maximum size of Uses in the Major NC Zone, with the exception of the Construction Sales and Services Use Type. This Use Type shall not exceed 55,000 sq. ft. of total sales and storage area, not including parking, and no more than 50 percent of the site area shall be dedicated to unenclosed display/storage area.
2. The maximum building footprint shall be 55,000 sq. ft.
3. Floor space exceeding 55,000 sq. ft. of gross floor area within one building footprint shall be accommodated on additional floors, such as basements, full floors, partial floors, and/or mezzanines.

3.14.40.02 - Location of Residential Uses

In Minor and Major NC Zones, housing shall not be permitted on a ground-floor space that faces a Shopping Street. Housing on the ground floor is allowed if it faces a street other than a Shopping Street or is oriented to a courtyard, alley, lane, or other access set back from the Shopping Street that provides pedestrian access to public rights-of-way in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards. See Figure 3.14-2 - Location of Residential Dwelling Units in Relation to Shopping Street.

3.14.40.03 - Location of Civic Use Types

Civic Use Types such as community buildings, government offices, recreation centers, and libraries should be located in central locations as highly visible focal points. Civic Uses shall also be located within 300 ft. of transit stops, unless an exception is provided in accordance with Section 3.14.20.a.5.

3.14.40.04 - Common Outdoor Space

NC Zones shall include Common Outdoor Space, such as a park, plaza, pedestrian promenade or other public gathering area. An example of a pedestrian promenade is where Shopping Street sidewalks are wider than the minimum required. The Common Outdoor Space may be publicly or privately owned, but must be accessible to the general public. Privately owned Common Outdoor Space shall have a public access easement that meets the approval of the City Engineer.

Common Outdoor Space shall be located in a central or other location conducive to creating a focal point for the Neighborhood Center. The size of the Common

Outdoor Space shall be established through the Major Neighborhood Center Master Site Plan process for Major NC Zones, or through compliance with the Lot Coverage standards in Section 3.9.40.03 of Chapter 3.9 - Mixed Use Residential (MUR) Zone. Residential components of the NC Zones shall comply with the Green Area requirements of Section 3.9.50.

3.14.40.05 - Commercial Floor Area Ratio and Preservation of Commercial Land Supply

Minimum commercial Floor Area Ratios (FARs) are required for all property within the NC Zone. This requirement ensures that commercial land is preserved for primarily commercial purposes. For an explanation of how to apply/calculate FARs, see Floor Area Ratio in Chapter 1.6 - Definitions.

All commercial and mixed use developments shall comply with the following standards for commercial floor area.

- a. Commercial Use Types** - For Commercial Use Types, the minimum Floor Area Ratio (FAR) shall be 0.25 and the maximum FAR shall be 1.0.
- b. Excluded Features** - Residential Uses and structured parking shall be excluded from the maximum FAR.
- c. FAR Exceptions Process** - To increase FARs above the established maximum, an applicant must apply for a Planned Development in accordance with Chapter 2.5 - Planned Development. In all cases, the Primary Use of the property shall remain commercial.

3.14.40.06 - Mixed Use Standards

- a. Residential Ground-floor Uses** - Residential Uses located on the ground floor shall not exceed 50 percent of the ground-floor space per parcel. However, the Planned Development process may be used to transfer ground-floor Commercial and Residential Uses among parcels in the same development, resulting in stand alone Residential Uses, provided that no more than 50 percent of the ground-floor space in the entire development is residential.

- b. Residential Density in Mixed Use Developments** - The minimum residential density for mixed use developments involving stand-alone residential buildings shall be 20 units per acre. For mixed use buildings, no minimum densities are established. For this standard, residential densities shall be calculated only for the portion of the site being used for Residential Uses, including residential structures, parking areas, landscaping, circulation areas, etc. Modifications to this standard can be requested through a Planned Development Review process in accordance with Chapter 2.5 - Planned Development.

3.14.40.07 - Setbacks

There is no minimum setback in NC Zones. Maximum setbacks in NC Zones shall conform to Table 3.14-2.

Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.5 - Planned Development Review are identified with a PD.

Table 3.14-2 Setbacks		
Setback	Maximum	Permit Procedure
Front ⁶	5 ft.	P
	20 ft.	PC
	>20 ft.	PD
Side ⁷	none	P
Rear	none	P

3.14.40.08 - Structure Height

Structure heights shall comply with the following standards.

- a. Minor NC Zone** - Structures shall not exceed a height of 35 ft. or three stories. Planned Development approvals may authorize buildings up to a

⁶ Where existing sidewalks are not consistent with the standards for Shopping Streets contained in Section 4.0.60.1 of Chapter 4.0 - Improvements Required with Development, a building's minimum setback shall provide the opportunity for improvement of the sidewalk to these standards.

⁷ Corners require compliance with clear vision and pedestrian standards such as building orientation and entrance standards.

maximum of 75 ft. or six stories in a Minor Neighborhood Center. For such approvals, all stories above the third shall be used only for residential purposes.

- b. Major NC Zone** - Structures shall not exceed a height of 75 ft. or six stories. All stories above the third shall be used only for residential purposes.
- c. Step-down Height** - Where the NC Zone abuts an RS-3.5, RS-5, RS-9 or RS-9(U) Zone along a property line or alley, the height of structures within the NC Zone shall be limited to a maximum of 35 ft. within a distance of 20 ft. from this boundary.

3.14.40.09 - Alleys and Access Consolidation

- a.** Alleys shall be required for all new blocks created in NC Zones, and provided in accordance with the standards in Chapter 4.0 - Improvements Required with Development. This standard is intended to apply to undeveloped sites that can accommodate new blocks developed in accordance with block standards in Chapter 4.0 - Improvements Required with Development. Although adherence to this standard is encouraged, this standard is not necessarily intended to apply to redevelopment of, or intensification of Uses on, developed sites in every case.
- b.** With development, access consolidation, particularly along Arterial Streets, shall be required to the maximum extent practicable. Access consolidation shall be accomplished as approved by the City Engineer, and/or as required by applicable access control plans approved by the City Council. Connectivity between adjacent parking and vehicle circulation areas and internal to development sites shall be implemented where practicable.

3.14.40.10 - Compliance with Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the NC Zone:

- a.** All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;
- b.** Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

- c. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.14.50 - SHOPPING STREET REQUIREMENTS

Shopping Streets are intended to be active pedestrian areas with a concentration of retail services and eating and drinking establishments on the ground floors of all buildings.

3.14.50.01 - Shopping Street Required

Every NC Zone shall include at least one Shopping Street consistent with the Shopping Street provisions in Chapter 4.0 - Improvements Required with Development, and/or a public square toward which ground-floor Commercial and/or Civic Uses are oriented.

3.14.50.02 - Designation of Shopping Streets

A Shopping Street location shall be designated in one of the following ways:

- a. Through an approval issued by a discretionary hearing authority as part of a Special Development review, such as the Planning Commission's review of Major NC's Master Site Plan; or
- b. Through approval by the Director, such as a Director's Interpretation involving a Minor NC, provided that all Shopping Streets comply with all of the standards for Shopping Street development in Chapter 4.0 - Improvements Required with Development.

When a Shopping Street location has been designated through one of the methods above, all future development shall be consistent with the Shopping Street standards specified in Chapter 4.0 - Improvements Required with Development, or with standards specified in Conditions of Approval associated with a discretionary decision.

3.14.50.03 - Prohibited Location of Uses

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

- a. Residential Use Types on the Ground Floor** - Ground-floor Residential Use Types are prohibited from facing Shopping Streets. However, access to ground-floor or upper-floor Residential Uses is permitted via courtyards or common access pedestrian ways. Any access connection between the courtyards/common pedestrian ways and the Shopping Street shall be no wider than 20 ft., and such connections shall cumulatively constitute no more than 10 percent of any Shopping Street block face. See Figure 3.14-3 - Location of Residential Dwelling Units in Relation to Shopping Street. The courtyard or common access pedestrian area shall not be used in calculating the private outdoor space requirements of the associated Residential Uses. In addition, the longest side of the courtyard/common pedestrian way shall not face a parking lot.

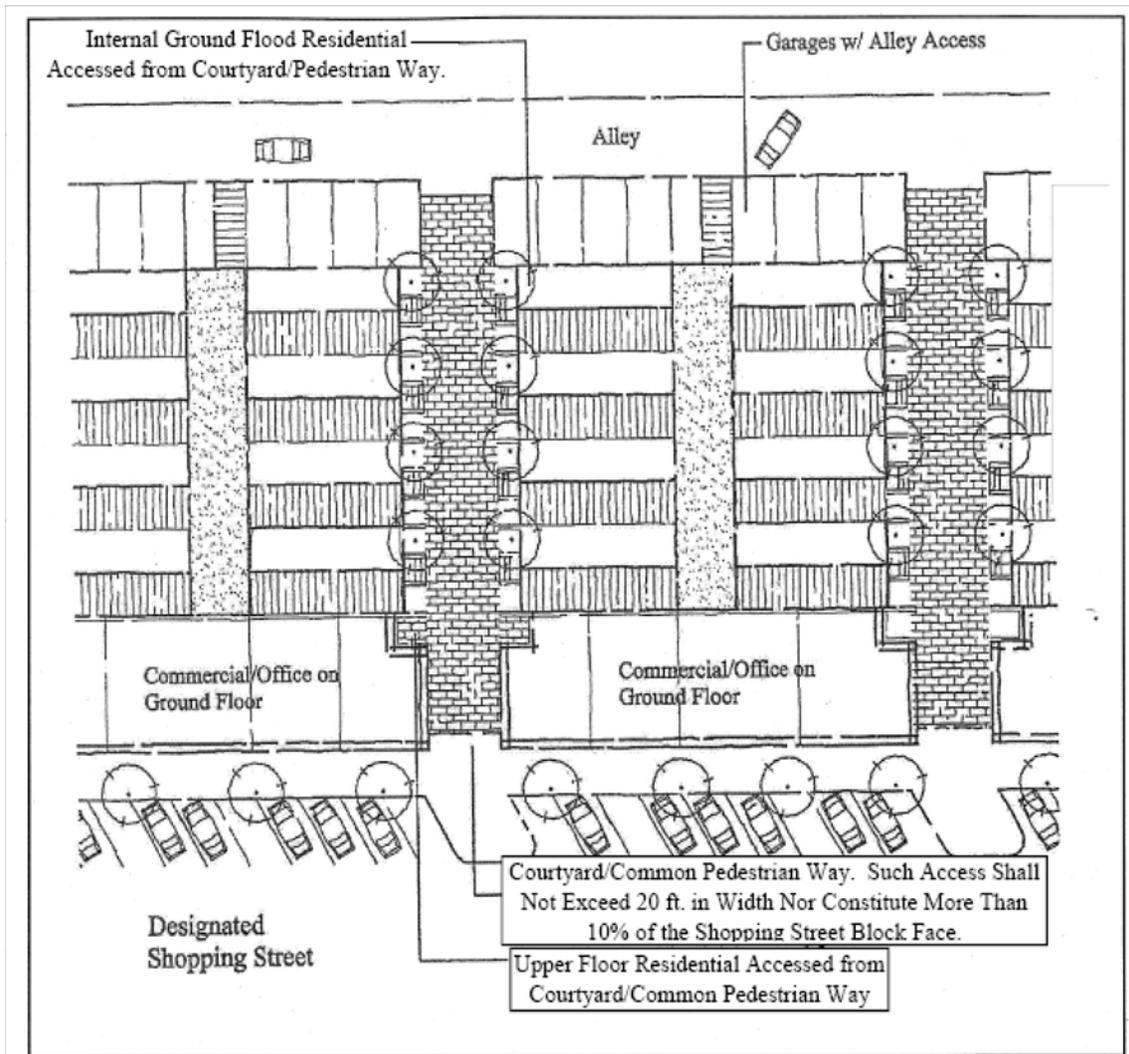


Figure 3.14-2 - Location of Residential Dwelling Units in Relation to Shopping Street

b. Uses Highly Dependent on Automobile Circulation

These Uses are prohibited from facing a Shopping Street:

1. Drive-through Facilities;
2. Eating and Drinking Establishments - Fast Order Food Drive-through;
3. Car Washes;
4. Fuel Sales;

5. Lodging Services on the Ground Floor. However, access to adjacent or upper floors of such Uses is permitted via lobbies or common areas shared with other businesses; and
6. Lodge and Fraternal Assembly Uses on the Ground Floor. However, access to adjacent or upper floors of such Uses is permitted via lobbies or common areas shared with other businesses.

Section 3.14.60 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of this Code including all chapters in Article IV, unless more restrictive provisions are established in this Chapter. The Block Perimeter Standards established in Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.

Section 3.14.70 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.14.80 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.14.70, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.